



5/S

GOVERNMENT INFORMATION CENTER
SAN FRANCISCO PUBLIC LIBRARY

SAN FRANCISCO
PUBLIC LIBRARY

REFERENCE
BOOK


Not to be taken from the Library

NOV 14 1987

SAN FRANCISCO PUBLIC LIBRARY



3 1223 90119 8532



Digitized by the Internet Archive
in 2017 with funding from
San Francisco Public Library

CITY AND COUNTY OF SAN FRANCISCO MUNICIPAL CODE

ADMINISTRATIVE CODE

VOLUME I



BOOK PUBLISHING COMPANY

(This volume includes Administrative Code changes adopted through April 24, 1987.)

DOCUMENTS DEPT.
SAN FRANCISCO
PUBLIC LIBRARY

*352
Sa52ad
with
amendments
through
April 1987
Vol. 1

This code will be supplemented on a quarterly basis.
Supplements can be ordered by contacting the publisher.

Additional copies of this code and all other San Francisco
Codes may be ordered from:

BOOK PUBLISHING COMPANY
201 Westlake Avenue North
Seattle, WA 98109

(206) 343-5700

©Copyright 1987 Book Publishing Company

TABLE OF CONTENTS

Page

Volume I

Chapter 1	General Provisions	AD-1
Chapter 2	Board of Supervisors	AD-15
Chapter 2B	Assessment Appeals Board (Tax Appeal Board)	AD-35
Chapter 3	Budget Procedures	AD-37
Chapter 4	City Buildings, Equipment and Vehicles	AD-49
Chapter 5	Committees	AD-59
Chapter 6	Contract Procedure	AD-87
Chapter 7	Disaster Council	AD-115
Chapter 8	Documents, Records and Publications	AD-125
Chapter 9A	Farmers' Market	AD-141
Chapter 10	Finance, Taxation and Other Fiscal Matters	AD-147
Chapter 10A	Revenue and Taxation Survey and Report	AD-267
Chapter 10B	Special Law Enforcement Program and Special Fund	AD-269
Chapter 10C	Reimbursement for Towing and Storage of Vehicles	AD-271
Chapter 10D	Reparations	AD-275
Chapter 10E	Downtown Plan Monitoring	AD-279
Chapter 11	Franchises	AD-283
Chapter 12	Housing Authority	AD-307
Chapter 12A	Human Rights Commission	AD-311
Chapter 12B	Nondiscrimination in Contracts	AD-319
Chapter 12C	Nondiscrimination in Property Contracts	AD-327

Chapter 12D	Minority/Women/Local Business Enterprises	AD-331
Chapter 12E	City Employee's Sexual Privacy Ordinance	AD-349
Chapter 13	Jails and Prisoners	AD-351
Chapter 15	Mental Health Service	AD-361
Chapter 16	Officers and Employees Generally ...	AD-371

Volume II

Chapter 17	Parking Authority	AD-535
Chapter 18	Payroll Procedure	AD-543
Chapter 19A	Public Health	AD-547
Chapter 20	Social Services	AD-555
Chapter 21	Purchasing Procedure	AD-587
Chapter 22	Radio Communication Facilities	AD-603
Chapter 23	Real Property Transactions	AD-605
Chapter 24	Redevelopment Agency	AD-617
Chapter 24A	Administrative Structure Local Rent Supplement Program in the Office of Mayor	AD-621
Chapter 24B	Relocation Appeals Board	AD-627
Chapter 25	Street Lighting	AD-631
Chapter 27	War Memorial	AD-633
Chapter 28	Museums	AD-635
Chapter 29	Surplus Property Authority	AD-639
Chapter 31	Environmental Quality	AD-643
Chapter 32	Residential Rehabilitation Loan Program	AD-665
Chapter 33	Commission on the Status of Women	AD-687
Chapter 34	Notification to Assessor Concerning Zoning Reclassifications of Property, Conditional Use Permits and Variances, Reassessment of Property	AD-691

Chapter 35	Home-Ownership Assistance Program	AD-693
Chapter 36	Victim/Witness Assistance Program	AD-705
Chapter 37	Residential Rent Stabilization and Arbitration Ordinance	AD-709
Chapter 38	Transit Impact Development Fee	AD-729
Chapter 40	Housing Code Enforcement Loan Program	AD-745
Chapter 41	Residential Hotel Unit Conversion and Demolition	AD-763
Chapter 41A	Apartment Unit Conversion Ordinance	AD-781
Chapter 41B	Chinatown-North Beach Moratorium on Residential Hotel Unit Conversion, Demolition and Change in Use Ordinance	AD-783
Chapter 41C	Time-Share Conversion Ordinance ...	AD-791
Chapter 42	Industrial Development Authority ...	AD-793
Chapter 43	Residential Mortgage Revenue Bond Law	AD-797
Chapter 44	Adult Day Health Care Planning Council	AD-805
Chapter 45	Jury Fees	AD-807
Chapter 48	Economic Development Bond Law ...	AD-809
Chapter 49	Security Deposits for Residential Rental Property	AD-819
Chapter 50	Nonprofit Performing Arts Loan Program	AD-821
Chapter 51	Voluntary Arts Contributions Program	AD-827
Chapter 51A	Youth and Children Services Contributions Program	AD-829
Chapter 52	Water Department and Hetch Hetchy Revenue Bond Election Procedure ...	AD-831
	Index	INDEX AD-1

CHAPTER 1

GENERAL PROVISIONS

- Sec. 1.1. How Code Designated and Cited.
- Sec. 1.2. Catchlines of Sections.
- Sec. 1.2-1. Gender Neutral Legislation.
- Sec. 1.3. Official Flag.
- Sec. 1.4. Flags at Half-mast on Good Friday.
- Sec. 1.5. Official Flower Designated.
- Sec. 1.5-1. Official Song and Ballad Designated.
- Sec. 1.5-2. Official Colors Designated.
- Sec. 1.6. Corporate Seal.
- Sec. 1.6-1. Official Key.
- Sec. 1.6-2. Regulating Use of Official Key; Penalty.
- Sec. 1.7. Disclaimers in Eminent Domain Proceedings Brought by United States.
- Sec. 1.7-1. Dismissal of Public Nuisance Abatement Action.
- Sec. 1.7-2. Dismissal of Action by Attorney for the Tax Collector When Full Amount Paid.
- Sec. 1.8. Use of City Property for Propagation of Game Birds.
- Sec. 1.9. Inspection of Agricultural Products Prior to Shipment—Duty of County Agricultural Commissioner.
- Sec. 1.10. Inspection of Agricultural Products Prior to Shipment—Inspection Fees.
- Sec. 1.11. Inspection of Agricultural Products Prior to Shipment—Inspection of Imported Vegetables.
- Sec. 1.12. Inspection of Agricultural Products Prior to Shipment—Inspection of Imported Vegetables—Fees.
- Sec. 1.13. Inspection of Agricultural Products Prior to Shipment—Certificate of Inspection; Destruction of Unfit Vegetables.
- Sec. 1.13.1. Registration Fees—Pest Control Operators.
- Sec. 1.13-1. Augmentation of Salary of County Agricultural Commissioner.
- Sec. 1.13-2. Enforcement of Shell Egg Standards.
- Sec. 1.13-3. Implementing Pesticide Regulations.
- Sec. 1.13-4. Inspection of Nursery Stock.
- Sec. 1.13-5. Weights and Measures—Permits.
- Sec. 1.14. Weights and Measures—Scales to be Sealed by Sealer of Weights and Measures.
- Sec. 1.15. Weights and Measures—Scales of Peddlers and Hawkers.
- Sec. 1.15.1. Fees for Testing Measuring Devices.
- Sec. 1.16. Responsibility of Art Commission for Cataloging, Care, and Maintenance, the Sale or Exchange and the Making of Reproductions of Public Art Media.
- Sec. 1.17. Use of City Property for Decoration Purposes.
- Sec. 1.18. Agreement for Maintenance of Birthplace of Fray Junipero Serra.

- Sec. 1.19. Annual Tax Rate Ordinance: Amendment to the Annual Appropriation Ordinance.
- Sec. 1.19-1. Distribution of Tax Proceeds Levied in Accordance with Section XIII-A of California Constitution and Distributed in Accordance with State Law.
- Sec. 1.21. Notice of Termination of Project or Program Authorized by Board of Supervisors.
- Sec. 1.22. Payment of Fees by the Public Administrator to the County Clerk.
- Sec. 1.23. Response to Inquiries From Board of Supervisors.
- Sec. 1.24. Hold Harmless Agreements with the United States of America, the Departments of the Army and Navy, the State of California, and Counties and Cities of the State of California.
- Sec. 1.24-1. Hold Harmless Agreements with United States of America.
- Sec. 1.25. Hold Harmless Agreements with Corporations, Companies, Firms or Military.
- Sec. 1.25-1. Hold Harmless Agreements Between Purchaser of Supplies and Lessors of Motor Vehicles.
- Sec. 1.25-2. Hold Harmless Agreements Between Purchaser of Supplies and Automobile Dismantlers.
- Sec. 1.25-3. Health Commission Hold Harmless Agreements for Endotracheal Intubation Training Program.
- Sec. 1.26. Hold Harmless Agreement with International Association of Bomb Technicians and Investigators.
- Sec. 1.26-1. Police Commission Hold Harmless Agreements for Use of the Automated Fingerprint Identification System.
- Sec. 1.27. Authority of Police Chief, District Attorney and Sheriff with Respect to Contracts with State for Witness Protection.
- Sec. 1.28. Contracts Involving One Million Dollars or More.
- Sec. 1.29. Voting Requirements for Members of Commissions, Committees and Other Bodies Created by Legislative Action.
- Sec. 1.30. Authorizing Contracts with Public Utilities for the Removal of Hazardous Materials.
- Sec. 1.31. Hold Harmless Agreements Between the Mayor's Council on Physical Fitness and Sports and its Donors and Service Providers.
- Sec. 1.32. Credibility of Petitions.

SEC. 1.1. HOW CODE DESIGNATED AND CITED. This ordinance shall constitute and be designated and shall be cited as the San Francisco Administrative Code.

SEC. 1.2. CATCHLINES OF SECTIONS. The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such section, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or re-enacted.

SEC. 1.2-1. GENDER NEUTRAL LEGISLATION. It is the intent of the Board of Supervisors that the language of the San Francisco Municipal Code be gender neutral. (Added by Ord. 477-81, App. 9/21/81)

SEC. 1.3. OFFICIAL FLAG. The City and County shall have an official flag to be known as "The Flag of San Francisco."

The flag shall be as follows:

A phoenix rising from the flames, below which shall appear the motto "Oro en Paz — Fierro en Guerra" (gold in peace; iron in warfare), both in a golden hue on a field of white, with the flag itself bordered with gold.

The words "San Francisco" shall appear horizontally along the lower portion of the flag, below the phoenix and the motto, in letters of appropriate size, rich blue in coloring. (Ord. No. 979 (1939), Sec. 1)

SEC. 1.4. FLAGS AT HALF-MAST ON GOOD FRIDAY. Flags on all public buildings and lands shall be flown at half-mast on Good Friday. (Reso. No. 17719 (1939))

SEC. 1.5. OFFICIAL FLOWER DESIGNATED. The dahlia is hereby designated the official flower of the City and County. (Reso. No. 26244 (N.S.))

SEC. 1.5-1. OFFICIAL SONG AND BALLAD DESIGNATED. The musical composition "San Francisco" with music by Bonislaw Kaper and Walter Jurmann and lyrics by Gus Kahn is hereby designated as the official song of the City and County, and "I Left My Heart in San Francisco" with music by George Cory and lyrics by Douglass Cross is hereby designated as the official ballad of the City and County. (Added by Ord. 307-69, App. 10/24/69; amended by Ord. 247-84, App. 5/23/84)

SEC. 1.5-2. OFFICIAL COLORS DESIGNATED. The colors black and gold are hereby designated as the official colors of the City and County of San Francisco. (Added by Ord. 93-79, App 3/2/79)

SEC. 1.6. CORPORATE SEAL. A corporate seal of the City and County is hereby adopted and established as the official seal of the City and County.

The official seal is described as follows:

A shield supported by a miner on the left and a sailor on the right, with a device of a steamship passing the Golden Gate; at the foot of the supporters, emblems of commerce, navigation and mining; at the crest, a phoenix issuing from flames, below which shall appear a motto consisting of the words "Oro en Paz — Fierro en Guerra" (gold in peace; iron in warfare); and around the margin the words "Seal of the City and County of San Francisco."

The Clerk of the Board of Supervisors shall have the custody of the corporate seal.

The use of the corporate seal of the City and County of San Francisco shall be for purposes directly connected with official business of the City and County; and those matters approved by the Board of Supervisors by ordinances.

Every person who maliciously or for commercial purposes, or without the prior approval of the Board of Supervisors, uses or allows to be used any reproduction or facsimile of the Seal of the City and County of San Francisco in any manner whatsoever is guilty of a misdemeanor. (Added by Ord. 534-79, App. 11/2/79)

SEC. 1.6-1. OFFICIAL KEY. The City and County shall have an official key to be known as "The Key To The City of San Francisco." The key shall be as follows:

A bit type metal key of simulated old iron finish approximately 9-1/4 inches long by four inches wide at its widest point, by 7/8 of an inch thick with a web provided in the key bow for mounting two medallions thereon. Each medallion shall be approximately 2-1/8 inches in diameter by 1/16 of an inch thick. One medallion shall contain an imprint of the seal of the City and County of San Francisco and the other medallion shall contain an imprint of the salutation: "Presented to," a ribbon for engraving the name of the recipient of the key and the date of presentation, and the signature of the Mayor of the City and County.

The Mayor of the City and County shall have custody of the official key to the City of San Francisco and shall have sole authority to designate the recipients thereof. In the exercise of said authority the mayor shall be guided by the established rules of protocol or by the performance, in his or her judgment, of significant services to the City and County of San Francisco. (Added by Ord. 257-65, App. 10/8/65)

SEC. 1.6-2. REGULATING USE OF OFFICIAL KEY; PENALTY. It shall be unlawful for any person, firm or corporation to manufacture, sell or offer for sale, or cause to be sold or offered for sale, or to deliver or cause to be delivered to any person any key of the kind or design of the official key to the city or which so resembles the official key to the city as would deceive an ordinary reasonable person into believing that it is the official key to the city, without written authorization of the mayor. Any violation of this Section shall be punishable upon conviction thereof by a fine of not exceeding \$50 or imprisonment for a period of 30 days in the County Jail or by both fine and imprisonment. (Added by Ord. 257-65, App. 10/8/65)

SEC. 1.7. DISCLAIMERS IN EMINENT DOMAIN PROCEEDINGS BROUGHT BY UNITED STATES. The City Attorney is hereby authorized, empowered and directed to file a disclaimer in eminent domain proceedings brought by the United States of America in actions involving parcels of land in which the City and County claims no right, title or interest. (Ord. No. 1848 (1939), Sec. 1)

SEC. 1.7-1. DISMISSAL OF PUBLIC NUISANCE ABATEMENT ACTION. Any action or proceeding, heretofore or hereafter commenced by the City Attorney for the purpose of abating or enjoining the maintenance, operation, construction or use of any premises, building, structure or part thereof, as a public nuisance by reason of violation therein of the San Francisco Municipal Code or state law, may be dismissed. The City Attorney is hereby authorized and directed to dismiss any such action or proceeding when, before judgement in said action or

proceeding, the department head or other administrative official of the City and County of San Francisco having jurisdiction over the enforcement of the San Francisco Municipal Code or state law pertaining to the maintenance, operation, construction or use of said premises, building or structure finds, and he or she advises the City Attorney in writing that he or she has so found, that said premises, building, structure, or part thereof, or the use thereof, no longer constitute a public nuisance and that legal proceedings in relation thereto are no longer necessary.

Nothing herein contained shall authorize or require the City Attorney dismiss any such action or proceeding wherein, in addition to seeking an abatement of or injunction against any such public nuisance, money damages are claimed. (Added by Ord. 112-63, App. 5/15/63)

SEC. 1.7-2. DISMISSAL OF ACTION BY ATTORNEY FOR THE TAX COLLECTOR WHEN FULL AMOUNT PAID. The Attorney for the Tax Collector is hereby authorized to dismiss with prejudice any action brought by him or her when the full amount due the City and County of San Francisco is paid in full. (Added by Ord 175-65, App. 6/30/65)

SEC. 1.8. USE OF CITY PROPERTY FOR PROPAGATION OF GAME BIRDS. The Sheriff is hereby authorized to permit the use of any City and County property under his or her jurisdiction for the propagation of game birds in cooperation with any program officially initiated or sponsored by the State Fish and Game Commission; provided, that such use shall be permitted only under such terms and conditions as to preclude any expense in connection therewith attaching to the City and County and that the City and County, its officers and employees, shall be free and clear from any liability in connection therewith.

As a condition precedent to the use of any portion of such property for such purposes there shall be filed with the Controller an agreement signed by the Sheriff and by the organization or agency to whom such permission is granted. The agreement shall set forth all the terms and conditions upon which such permission is granted by the Sheriff, and shall be approved by the Director of Property. (Ord. No. 2587 (1939), Sec. 1)

SEC. 1.9. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT — DUTY OF COUNTY AGRICULTURAL COMMISSIONER. It shall be the duty of the County Agricultural Commissioner, at the request of any shipper desiring to ship agricultural products, and upon the payment of the fees required by the following section, to inspect the products to be shipped and to issue to the shipper thereof a certificate certifying to the inspection and to the condition of the products. (Bill No. 679, Ord. No. 3.04142(C.S.), Sec. 3)

SEC. 1.10. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT — INSPECTION FEES. The fees to be charged for inspection and certificates for agricultural products to be shipped, effective July 1, 1980, shall be as follows:

Number of packages:	
(a) 1 — 100	\$10.00
101 — 200	12.00

201 — 500	15.00	
501 — 1000	15.00	plus one cent per package
Over 1000	20.00	plus one-half cent per package.

(b) For each certificate of fumigation \$10.00.

(c) Ten dollars shall be the minimum charge for any single certificate.
(Amended by Ord. 176-80, App. 5/2/80)

SEC. 1.11. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT — INSPECTION OF IMPORTED VEGETABLES. It shall be the duty of the County Agricultural Commissioner, at the request of the consignor or consignee, to inspect all vegetables shipped from any point outside of the United States of America to the City and County (irrespectively as whether such vegetables are shipped directly to the City and County or by reshipment from points within the United States) for the purpose of ascertaining if the vegetables are fit for human consumption. The inspection may be made either at the time of arrival of the vegetables in the City and County or at any other time before they are finally disposed of. (Bill No. 679, Ord. No. 3.04142 (C.S.), Sec. 5)

SEC. 1.12. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT — INSPECTION OF IMPORTED VEGETABLES — FEES. The fees to be paid by the person requesting the inspection provided for by the preceding section shall be two cents for each package (not above standard size) inspected by the County Agricultural Commissioner. (Bill No. 679, Ord. No. 3.04142 (C.S.), Sec. 6)

SEC. 1.13. INSPECTION OF AGRICULTURAL PRODUCTS PRIOR TO SHIPMENT — CERTIFICATE OF INSPECTION; DESTRUCTION OF UNFIT VEGETABLES. The County Agricultural Commissioner shall, on the payment of the fees provided in Sections 1.10 and 1.12 of this code, furnish to the person requesting the inspection a certificate showing the total number of packages of vegetables inspected, the number fit for human consumption and the number unfit for human consumption; and shall destroy all of such vegetables found to be unfit for human consumption. (Bill No. 679, Ord. No. 3.04142 (C.S.), Sec. 7)

SEC. 1.13.1. REGISTRATION FEES — PEST CONTROL OPERATORS. Pursuant to the California Food and Agricultural Code, Division 6, Chapter 4, Article 2, Section 11734, giving the Board of Supervisors authority to establish reasonable fees for registration of Agricultural Pest Control Operators, the fee to be charged effective January 1, 1981, is \$25. (Added by Ord 177-80, App. 5/2/80)

SEC. 1.13-1. AUGMENTATION OF SALARY OF COUNTY AGRICULTURAL COMMISSIONER. The President of the Board of Supervisors is hereby authorized to execute an annual agreement between the Director of Agriculture of the State of California and the Board of Supervisors of the City and County for the augmentation of the salary of the County Agricultural Commissioner as provided in Section 63.5 of the Agricultural Code of the State of California. (Added by Ord. 305-61, 12/28/61)

SEC. 1.13-2. ENFORCEMENT OF SHELL EGG STANDARDS. The President of the Board of Supervisors is hereby authorized to execute an annual contract between the Director of Agriculture of the State of California and the Board of Supervisors of the City and County for services for enforcement of state standards for shell eggs and enforcement of federal surveillance program for shell eggs as provided in Section 40531 and 40532 of the Agricultural Code of the State of California. (Added by Ord. 202-72; App 7/13/72)

SEC. 1.13-3. IMPLEMENTING PESTICIDE REGULATIONS. The President of the Board of Supervisors is hereby authorized to execute an annual contract between the Director of Food and Agriculture of the State of California and the Board of Supervisors of the City and County for services for implementing new pesticide permit regulations as provided by Section 2452, Subsection (j) of the Administrative Code, Title 3, of the State of California (Added by Ord. 581-80, App. 12/19/80)

SEC. 1.13-4. INSPECTION OF NURSERY STOCK. The President of the Board of Supervisors is hereby authorized to execute an annual contract between the Director of Food and Agriculture of the State of California and the Board of Supervisors of the City and County of San Francisco for inspection of nursery stock at producers, and retail nursery locations in San Francisco. (Added by Ord. 128-83, App. 3/11/83)

SEC. 1.13-5. WEIGHTS AND MEASURES — PERMITS. All weighing and measuring devices inspected or tested by the County Sealer of Weights and Measures pursuant to Business and Professions Code Section 12210 shall be registered annually with the County Sealer. The fee charged by the County Sealer for such registration shall be used to offset the costs of inspecting and testing said devices.

The fee to be charged, effective July 1, 1986, shall be as follows:

Number of Devices	Charge Per Location
1 — 3	\$20.00
4 — 9	40.00
Over 9	60.00

The County Sealer shall promulgate such rules and regulations as are reasonable and necessary to implement this ordinance. (Amended by Ord. 20-86, App. 2/7/86)

SEC. 1.14. WEIGHTS AND MEASURES — SCALES TO BE SEALED BY SEALER OF WEIGHTS AND MEASURES. It shall be unlawful for any person, at any place of business in the City and County, to advertise, offer for sale or sell, or to cause or knowingly permit the advertising, offering for sale or selling of any smoked, fresh or pickled meats, poultry, rabbits or fish, except shanks, offal, heads and plucks, other than by weight, determined on a scale by weight or a beam, properly sealed by the Sealer of Weights and Measures. (Bill No. 891, Ord. No. 11.1 71 (C.S.), Sec. 1)

SEC. 1.15. WEIGHTS AND MEASURES — SCALES OF PEDDLERS AND HAWKERS. All itinerant peddlers and hawkers using scales, balances, weights or measures shall take the same to the office of the Sealer of Weights and Measures, before any use is made thereof, and have the same sealed and adjusted annually. Tax Collector shall issue a license to such peddlers only upon a certificate from the Sealer of Weights and Measures that this section has been complied with. (Ord. No. 2698 (N.S.), Sec. 8)

SEC. 1.15.1. FEES FOR TESTING MEASURING DEVICES. Pursuant to the California Business and Professions Code, Division 5, Chapter 2, Article 2, Section 12210(b) giving the Board of Supervisors authority to establish a schedule of fees for testing noncommercial weighing and measuring devices, upon written request, and standby time for testing commercial weighing and measuring devices under Section 12210, the fee to be charged, effective April 1, 1981, is as follows:

\$35 per hour per man.

Minimum charge, \$35 per hour per man.

(Added by Ord. 155-81, App. 4/3/81)

SEC. 1.16. RESPONSIBILITY OF ART COMMISSION FOR CATALOGING, CARE, AND MAINTENANCE, THE SALE OR EXCHANGE AND THE MAKING OF REPRODUCTIONS OF PUBLIC ART MEDIA. (a) **Cataloging, Care and Maintenance of Public Art Media.** The cataloging, care and maintenance of all sculptures, statues, murals, paintings and other art media belonging to the City and County of San Francisco, other than and excepting those located on properties under the jurisdiction and control of the San Francisco Unified School District, the M. H. de Young Memorial Museum, the California Palace of the Legion of Honor, the California Academy of Sciences and the Recreation and Park Commission, shall be under the jurisdiction of the Art Commission.

(b) **Agreement with Recreation and Park Commission.** The Art Commission shall be authorized to enter into agreement with the Recreation and Park Commission, upon such terms as may be mutually agreed, for the cataloging, care and maintenance of any or all of the above media located on properties under the jurisdiction of the Recreation and Park Commission.

(c) **Authorization for Sale of Works of Art.** When the Art Commission determines that it would be advantageous to the City and County, a work of art under the jurisdiction of the Art Commission may be sold or exchanged as hereinafter set forth.

The Art Commission may execute and accept all deeds of conveyance necessary and proper to effect a duly authorized sale or exchange. A work of art to be sold or exchanged shall be cataloged, listed and described with reasonable certainty and a copy of such catalog shall be furnished to the purchaser of supplies.

(d) **Exchange of Works of Art.** The Art Commission may exchange a work of art on such terms as the Art Commission, by a 2/3 vote of the members of the Art Commission, determines appropriate; provided that any exchange is subject to the approval of the purchaser of supplies.

(e) **Public Auction.** A work of art under the jurisdiction of the Art Commission may be sold at public auction to the highest and best bidder and the Art Commission may contract with a licensed auctioneer for the purpose of conducting

the sale or sales. The contract shall specify the compensation to be paid for the auctioneer's services and set forth the terms and conditions under which the sale or sales are to be conducted. Each such contract shall be approved by the purchaser of supplies.

(f) **Sale at Other Than Public Auction.** A work of art under the jurisdiction of the Art Commission may be sold by private sale under the following circumstances:

(1) If the work is offered at public auction and no bids are received, or if the bids are rejected; or

(2) If the Art Commission determines, by a 2/3 vote of the members of the Art Commission, that the work may be sold on terms more advantageous to the City and County if sold through private sale. Any contract for the private sale of a work of art is subject to the approval of the Purchaser. A work of art on which bids have been rejected shall not thereafter be sold through private sale for less than the amount of the highest bid received.

(g) **Reproductions or Adaptations.** The Art Commission may license the making of reproductions or adaptations of works of art under its jurisdiction.

(h) **Disposition of Proceeds from the Sale or Exchange of a Work of Art or of a Reproduction or Adaptation Thereof.** All moneys received from the sale of a work of art under the jurisdiction of the Art Commission, or from the licensing of the making of a reproduction or adaptation thereof, shall be placed in the public art media fund as provided for in Section 10.117-1 of the San Francisco Administrative Code. The monies in this fund attributable to the sale or exchange of a work of art shall be used exclusively for the purpose of acquiring or maintaining one or more other works of art for the same public building or purpose for which the original work was acquired. (Amended by Ord. 416-82, App. 8/20/82)

SEC. 1.17. USE OF CITY PROPERTY FOR DECORATION PURPOSES. Any person, association or committee, having charge of any festival, celebration or public affair, may obtain the use of such property belonging to the City and County as may be used to adorn and decorate the public street, places and public buildings, upon making application to the Real Estate Department and getting permission therefor from such department, upon such terms and conditions as such department may impose.

The Department shall require that the applicants shall give a bond in the sum of \$500 for the safe return of the property used in good condition. (Ord. No. 867(N.S.), Sec. 1)

SEC. 1.18. AGREEMENT FOR MAINTENANCE OF BIRTHPLACE OF FRAY JUNIPERO SERRA. The Director of Property is hereby authorized and directed, for and on behalf of the City and County, to enter into an agreement with The Society of California Pioneers, a nonprofit corporation, whereby The Society of California Pioneers would assume the obligation of repairing, maintaining, improving and managing the birthplace of Fray Junipero Serra in the village of Petra, Mallorca, Spain, which birthplace is owned by the City and County, such agreement to be terminable by either party upon 90 days' written notice. (Ord.No. 519-58, Sec. 1)

SEC. 1.19. ANNUAL TAX RATE ORDINANCE: AMENDMENT TO THE ANNUAL APPROPRIATION ORDINANCE. In order to comply with the

time limitation set forth in Section 6.208 of the Charter, the Controller is hereby authorized and directed to prepare and submit to the Board of Supervisors, not later than August 28th of each year, an ordinance, designated the Annual Tax Rate Ordinance, providing for the levying of a tax, the estimated proceeds of which, together with the total amount of receipts and revenues estimated to be received from all sources, will be sufficient to meet all appropriations made by the Annual Appropriation Ordinance.

As a prerequisite to the levying of a tax pursuant to Section 6.208 of the Charter, the Controller is further authorized and directed, concurrently and in conjunction with the submission of the Annual Tax Rate Ordinance, to prepare and submit to the Board of Supervisors, without reference or amendment to the Annual Budget, an amendment to the Annual Appropriation Ordinance to effect necessary adjustments pursuant to Section 6.208 of the Charter and other requirements. (Added by Ord. 254-63, App. 9/12/63)

SEC. 1.19-1. DISTRIBUTION OF TAX PROCEEDS LEVIED IN ACCORDANCE WITH SECTION XIII-A OF CALIFORNIA CONSTITUTION AND DISTRIBUTED IN ACCORDANCE WITH STATE LAW. The Controller is hereby authorized and directed to apportion and distribute the proceeds from the annual tax rate levy as follows:

The San Francisco United School District shall receive 7.732047 percent of the proceeds;

The Community College District of the City and County of San Francisco shall receive 1.438021 percent of the proceeds;

The San Francisco Bay Area Rapid Transit District shall receive 0.630043 percent of the proceeds;

The Bay Area Air Quality Management District shall receive 0.208429 percent of the proceeds;

The County Superintendent of Schools shall receive 0.103108 percent of the proceeds;

The City and County of San Francisco shall receive 89.888352 percent of the proceeds.

The above distribution is exclusive of that amount levied and collected to pay the interest and redemption charges on any indebtedness approved by the voters. The percentage distribution of the tax rate proceeds received by any district may be reduced proportionately to reflect any benefits from the State for restrictive or nonrestrictive purposes. (Amended by Ord. 464-79, App. 9/21/79)

SEC. 1.21. NOTICE OF TERMINATION OF PROJECT OR PROGRAM AUTHORIZED BY BOARD OF SUPERVISORS. Any official, board or commission of the City and County authorized and directed by the Board of Supervisors to undertake a designated project or program initiated, implemented or approved by the Board of Supervisors shall, in the event said officer, board or commission determines to terminate or abandon said project or program prior to the completion thereof, notify the Board of Supervisors in writing of said determination at least 30 days prior to the effective date thereof. (Added Ord. 48-70, App. 3/2/70)

SEC. 1.22. PAYMENT OF FEES BY THE PUBLIC ADMINISTRATOR TO THE COUNTY CLERK. No fee shall be due from the Public Administrator to the County Clerk at the time of filing of any petition nor at the time of performance of any other official service performed by the County Clerk in the course of the proceeding.

In each such proceeding, the said fee or other charges for any other official service performed by the County Clerk in the course of the proceeding shall be due and payable to the County Clerk from the Public Administrator within 30 days from and after receipt of funds by the Public Administrator belonging to the said estate, provided, further, that said fee or other charges for any other official service performed by the County Clerk in the course of the proceeding shall be reduced to the extent that the full amount thereof shall not exceed the available funds belonging to the said estate. (Added by Ord. 55-70, App. 3/20/70)

SEC. 1.23. RESPONSE TO INQUIRIES FROM BOARD OF SUPERVISORS. Any officer, board or commission receiving a written inquiry or a request for information from the Board of Supervisors shall respond thereto, in writing, in a timely fashion in light of the nature and complexity of the inquiry or request for information. (Added by Ord. 300-76, App. 7/23/76)

SEC. 1.24. HOLD HARMLESS AGREEMENTS WITH THE UNITED STATES OF AMERICA, THE DEPARTMENTS OF THE ARMY AND NAVY, THE STATE OF CALIFORNIA, AND COUNTIES AND CITIES OF THE STATE OF CALIFORNIA. The Police Commission is hereby authorized to enter into hold harmless agreements with the United States of America, Departments of the Army and Navy, the State of California and counties and cities of the State of California, for the purpose of furthering the Police Department's recruit and field training programs, and other training programs required by the Police Department.

The agreements shall pertain to facilities owned by the United States of America, Departments of the Army and Navy, the State of California, and counties and cities of the State of California, to be used by the Police Department in conjunction with its training programs. (Amended by Ord. 435-84, App. 10/26/84)

SEC. 1.24-1. HOLD HARMLESS AGREEMENTS WITH UNITED STATES OF AMERICA. The Sheriff is hereby authorized to enter into hold harmless agreements with the United States of America for the purpose of obtaining vehicles for use by the Sheriff's Department in conjunction with the exercise of administrative functions. The agreements shall cover vehicles in which the legal ownership only is retained by the United States of America. (Added by Ord. 184-83, App. 4/13/83)

SEC. 1.25. HOLD HARMLESS AGREEMENTS WITH CORPORATIONS, COMPANIES, FIRMS OR MILITARY. (a) The Police Commission is hereby authorized to enter into hold harmless agreements with corporations, companies or firms for the purpose of obtaining vehicles for use by the Police Department in its investigative units. The agreements shall cover vehicles on loan or lease from corporations, companies or firms.

(b) The Police Commission is hereby authorized to enter into hold harmless agreements with the various branches of the military services of the United States for the purpose of obtaining vehicles, and drivers for use by the Police Department in its senior escort service. (Amended by Ord. 260-80, App. 6/9/80)

SEC. 1.25-1. HOLD HARMLESS AGREEMENTS BETWEEN PURCHASER OF SUPPLIES AND LESSORS OF MOTOR VEHICLES. The Purchaser of Supplies is hereby authorized to enter into hold harmless agreements, approved as to form by the City Attorney, with lessors of motor vehicles to the City and County in lieu of obtaining insurance coverage against the liability arising out of the maintenance, use or operation of said vehicles and against loss or damage to said vehicles (Amended by Ord. 135-80, App. 4/7/80)

SEC. 1.25-2. HOLD HARMLESS AGREEMENTS BETWEEN PURCHASER OF SUPPLIES AND AUTOMOBILE DISMANTLERS. The Purchaser of Supplies is hereby authorized to enter into hold harmless agreements, approved as to form by the City Attorney, with corporations, companies, firms or individuals for the purpose of towing, dismantling, shredding or scrapping abandoned vehicles. (Added by Ord. 377-86, App. 9/11/86)

SEC. 1.25-3. HEALTH COMMISSION HOLD HARMLESS AGREEMENTS FOR ENDOTRACHEAL INTUBATION TRAINING PROGRAM. The Health Commission is hereby authorized to enter into hold harmless agreements with hospitals and physicians for the purpose of securing a course of training in endotracheal intubation for employees of the Paramedic Division of the Department of Public Health. (Added by Ord. 452-86, App. 11/20/86)

SEC. 1.26. HOLD HARMLESS AGREEMENT WITH INTERNATIONAL ASSOCIATION OF BOMB TECHNICIANS AND INVESTIGATORS. The Police Commission is hereby authorized to enter into a hold harmless agreement with the International Association of Bomb Technicians and Investigators for the purpose of obtaining a remote controlled bomb disposal device on an indefinite loan. (Added by Ord. 464-78, App. 10/13/78)

SEC. 1.26-1. POLICE COMMISSION HOLD HARMLESS AGREEMENTS FOR USE OF THE AUTOMATED FINGERPRINT IDENTIFICATION SYSTEM. The Police Commission is hereby authorized to enter into agreements, including hold harmless agreements, with the State of California and counties and cities thereof for the purpose of providing for the use of Automated Fingerprint Identification Systems owned by the City and County of San Francisco or by the State of California or other cities or counties of the State of California. (Added by Ord. 58-86, App. 2/28/86)

SEC. 1.27. AUTHORITY OF POLICE CHIEF, DISTRICT ATTORNEY AND SHERIFF WITH RESPECT TO CONTRACTS WITH STATE FOR WITNESS PROTECTION. The Chief of Police, District Attorney

and Sheriff are hereby authorized to enter into contracts with the State of California, Department of Justice, in order to participate in the California Witness Protection Program. (Amended by Ord. 99-81, App. 2/26/81)

SEC. 1.28. CONTRACTS INVOLVING ONE MILLION DOLLARS OR MORE. Notwithstanding any other provisions of this code, of the San Francisco Municipal Code, or of any other ordinance, no contract involving or totaling \$1,000,000 or more, in which the monies have not previously been appropriated by the Board of Supervisors, shall be entered into by any department, commission or agency of the City and County of San Francisco, unless said contract is first approved by the Board of Supervisors. (Added by Ord. 12-81, App. 1/7/81)

SEC. 1.29. VOTING REQUIREMENTS FOR MEMBERS OF COMMISSIONS, COMMITTEES AND OTHER BODIES CREATED BY LEGISLATIVE ACTION. Every commission, committee, task force, council, or other body created by legislative action shall adopt a rule requiring that each member present at a meeting of such commission, committee, task force, council or other body when a question is put shall vote for or against it, unless he or she is excused from voting by a motion adopted by a majority of the members present, or unless voting on the question would constitute a violation of applicable provisions of city or state law pertaining to conflict of interest. (Added by Ord 478-81, App. 9/21/81)

SEC. 1.30. AUTHORIZING CONTRACTS WITH PUBLIC UTILITIES FOR THE REMOVAL OF HAZARDOUS MATERIALS. (a) The Mayor is hereby authorized to execute contracts with public utilities under the regulatory authority of any state or federal agency and beyond the jurisdiction of the police power of the City and County of San Francisco for the purpose of securing the removal from the City and County of San Francisco of the following hazardous materials:

1. Polychlorinated biphenols.

(b) Said contract shall secure the prompt removal from the City and County of San Francisco of the hazardous materials listed in Subsection (a).

(c) Said contract is subject to the review and approval or disapproval of the Board of Supervisors. Thereafter, the Mayor shall submit the contract to the state or federal agency for the approval necessary to ensure its enforcement.

(d) In negotiating a timetable for the prompt removal of the hazardous materials listed in Subsection (a), the Mayor shall consider, inter alia, the danger to the public posed by the presence of such material, the feasibility and cost of removal, the availability of alternative materials and devices, and the capability of the utility to accomplish the removal of such hazardous materials. (Added by Ord. 500-83, App. 10/14/83)

SEC. 1.31. HOLD HARMLESS AGREEMENTS BETWEEN THE MAYOR'S COUNCIL ON PHYSICAL FITNESS AND SPORTS AND ITS DONORS AND SERVICE PROVIDERS. The Mayor's Council on Physical Fitness and Sports is hereby authorized to enter into hold harmless agreements with its donors and service providers of aerobic and other exercise classes for the

purpose of protecting such donors and service providers from any liability connected with the use of their products or services. (Added by Ord. 434-84, App. 10/25/84)

SEC. 1.32. CREDIBILITY OF PETITIONS. All boards and commissions shall, in considering petitions submitted to them, give appropriate weight and consideration to the credibility and probative value of those petitions, including whether steps have been taken to ensure that an accurate account of the subject of the petition has been presented to all persons signing the same. (Added by Ord. 81-86, App. 3/21/86)

CHAPTER 2

BOARD OF SUPERVISORS

ARTICLE I IN GENERAL

- Sec. 2.1. "Board" Defined.
- Sec. 2.2. Supervisor's Official Badge.
- Sec. 2.3. Authority of Chief Assistant Clerk in Absence of Clerk.
- Sec. 2.5. Resolution Determining Policy Before State Public Utilities Commission; Rate Expert to be Informed.
- Sec. 2.6. Policy Relative to Bay Area Air Pollution Control District.
- Sec. 2.6-1. Policy Relative to Approval of Lease and Concession Agreements.
- Sec. 2.6-2. Provision for Interpreting Services.

ARTICLE II MEETINGS OF BOARD OF SUPERVISORS

- Sec. 2.8. Special Meetings.
- Sec. 2.9. Attendance of other City Officials at Board Meetings.

ARTICLE IV WHEN SITTING AS BOARD OF EQUALIZATION

- Sec. 2.19. Assistance to Board in its Duties as Equalization Board—Duty of Director of Property.
- Sec. 2.20. Assistance to Board in its Duties as Equalization Board—Duty of Director of Property—Employment of Independent Expert Appraisers.

ARTICLE V CHARTER AMENDMENTS, PROCEDURE

- Sec. 2.23-9. Exception: Amendment to Charter Providing for Dismissal of Employees Engaged in Strike Against City and County.
- Sec. 2.23-11. Exception: Amendments to Charter Relating to Appointment of the Employee Relations Director.
- Sec. 2.24. Publication and Format of Proposed Charter Amendments.

ARTICLE VI PUBLIC UTILITY RATES, PROCEDURE

- Sec. 2.25. Information to be Furnished Board by Public Utilities Commission—Generally.

- Sec. 2.26. Information to be Furnished Board by Public Utilities Commission—Regular Introduction of Proposal.
- Sec. 2.27. Fixing Dates for Consideration.
- Sec. 2.28. Board's Finding Prior to Approval or Rejection.
- Sec. 2.29. Approval or Rejection.

ARTICLE VII BONDED INDEBTEDNESS FOR PUBLIC IMPROVEMENTS, PROCEDURE

- Sec. 2.30. Proposal Submitted to Voters Pursuant to State Law and Charter.
- Sec. 2.30-1. Proposal to be Submitted to the Capital Improvement Advisory Committee; Report Therefrom.
- Sec. 2.31. Proposal to be in Form of Resolution; Drafting, Contents, Introduction to Board and Referral to Committee.
- Sec. 2.32. Reference of Resolution to Citizens' Bond Screening Committee, Etc.; Time of Referral; Committee's Report.
- Sec. 2.33. Referral of Resolution to Controller; Statements Therefrom.
- Sec. 2.34. Time of Adoption of Resolution Before Election; Time of Passage of Ordinance Ordering Election.
- Sec. 2.35. Inapplicability of Article to Proposals by Initiative Petition.
- Sec. 2.36-1. Exception: Water Pollution Control Bond Issue.
- Sec. 2.37. Controller's Statement to Voters.
- Sec. 2.40. Bonds—Countersignatures.
- Sec. 2.50. Bonds—Form of Official Notice of Sale.

ARTICLE VIII TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS

- Sec. 2.70. Request for Permission for Temporary Use or Occupancy of Public Streets; Procedure.
- Sec. 2.71. Conditions.
- Sec. 2.72. Exceptions.
- Sec. 2.73. Temporary Use or Occupancy of Public Streets by the San Francisco Unified School District for Debarkation and Embarkation of Students: Duties.
- Sec. 2.74. Permits for Use of United Nations Plaza for Certain Activities to be Issued by the Recreation and Park Department.

ARTICLE IX OFFICIAL NEWSPAPER(S)

- Sec. 2.80. Official Newspaper(s)—Definition.
- Sec. 2.81. Official Newspaper(s)—Designation.

Sec. 2.82. Publication of Legislation.

**ARTICLE X
PHILLIP BURTON COMMEMORATIVE CITIZENS ADVISORY
COMMITTEE**

Sec. 2.90. Establishment; Composition; Appointment; Qualifications; Terms.

Sec. 2.91. Powers and Duties.

Sec. 2.92. Duration of this Article.

**ARTICLE XI
CITY ATTORNEY REPRESENTATION**

Sec. 2.95.

**ARTICLE I
IN GENERAL**

SEC. 2.1. "BOARD" DEFINED. "Board," as used in this Chapter, shall mean the Board of Supervisors of the City and County. (Ord. No. 6071 (1939), Sec. 1)

SEC. 2.2. SUPERVISOR'S OFFICIAL BADGE. An official badge of metal, being a sixpointed star in design, with a knob at each point thereof, and having the points connected by scroll, and containing in the center an imprint of the seal of the City and County, surrounded with the words "Supervisor San Francisco, Cal.," is hereby approved and adopted.

It shall be unlawful for any person, other than an active member of the Board of Supervisors, to wear or exhibit the badge approved and adopted by this section for the purpose of misrepresenting a membership upon the Board of Supervisors, which offense shall be punishable upon conviction thereof by a fine of not exceeding \$50 or imprisonment for a period of 30 days in the County jail, or by both such fine and imprisonment. (Ord. No. 3007 (N.S.), Secs. 1, 2)

SEC. 2.3. AUTHORITY OF CHIEF ASSISTANT CLERK IN ABSENCE OF CLERK. In the absence of the Clerk of the Board of Supervisors, the Chief Assistant Clerk is hereby authorized to perform all the functions and duties vested in the Clerk by law and during such absence the Chief Assistant Clerk is authorized to execute all documents and perform all acts in the name of the Clerk. (Res No. 1199 (1939))

SEC. 2.5. RESOLUTION DETERMINING POLICY BEFORE STATE PUBLIC UTILITIES COMMISSION; RATE EXPERT TO BE INFORMED. The Board of Supervisors shall, by resolution, in every case in which the City and County is concerned, determine the policy to be pursued before the State of

California Public Utilities Commission; and the Board of Supervisors shall immediately thereafter inform the rate expert of the City Attorney's office with respect to its desires. No action shall be taken without such resolution (Res. No. 8150 (1939))

SEC. 2.6. POLICY RELATIVE TO BAY AREA AIR POLLUTION CONTROL DISTRICT. It shall be the policy of the City and County for all of its officials, departments and agencies in a position to do so to cooperate in every reasonable way with the purposes, operation and enforcement programs of the Bay Area Air Pollution Control District.

All such officials, departments and agencies vested with power under any laws, ordinances or regulations germane and applicable to the subject of Air Pollution Control shall be vigorously enforced at all times in support of the district control program.

To the end that the Board of Supervisors may properly assess the possible need for further local legislation bearing upon the subject matter, the Clerk of the Board is hereby authorized and directed to contact and procure through proper channels, as expeditiously as possible, a compilation of all existing ordinances and departmental regulations pursuant thereto that may bear upon air pollution, its cause or control, and setting forth the present status of enforcement of such ordinances and regulations by the officials, departments or agencies in charge. (Res. No 183-58)

SEC. 2.6-1. POLICY RELATIVE TO APPROVAL OF LEASE AND CONCESSION AGREEMENTS. Whenever in accordance with the provisions of the Charter, any officer, board or commission of the City and County submits a proposed lease or agreement for concession privileges to be operated in or upon any property or facility of the City and County to the Board of Supervisors for its approval or disapproval, except where the Board of Supervisors finds that the bidding procedures or insurance requirements are impractical or impossible, it shall be the policy of said board (1) to approve only such proposals as have been awarded to the highest responsible bidder in accordance with competitive bidding procedures, and (2) to approve only such leases as require the lessee to provide property insurance in the name of the City and County of San Francisco against fire and lightning, extended coverage perils, vandalism and malicious mischief, in an amount equal to the replacement value of the property. (Amended by Ord. 479-81, App. 9/21/81)

SEC. 2.6-2. PROVISION FOR INTERPRETING SERVICES It is the policy of the board of supervisors that interpreting services shall be provided at all meetings of the Board of Supervisors and of its Committees as needed.

The Board of Supervisors requests the Clerk of the Board of Supervisors to submit and the Mayor to approve a supplemental appropriation in the amount of \$5,000 to fund language-interpreting services for the Board of Supervisors in the current fiscal year.

The Clerk of the Board is hereby directed to include funding for interpreting services in developing the budget of the Board of Supervisors for future fiscal years. (Added by Ord. 352-84, App. 8/8/84)

ARTICLE II**MEETINGS OF BOARD OF SUPERVISORS**

SEC. 2.8. SPECIAL MEETINGS. A special meeting of the Board of Supervisors may be called at any time by the President of said board, or by a majority of the members of said board, by delivering personally or by mail written notice to each member of said board and to each local newspaper of general circulation, radio or television station requesting notice in writing.

Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the Board of Supervisors.

Such written notice may be dispensed with as to any member who, at or prior to the time the meeting convenes, files with the Clerk of the Board of Supervisors a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

A special meeting of any standing or special committee of the Board of Supervisors may be called at any time by the presiding officer of the committee or by a majority of the members of the committee, in accordance with the provisions of this Section applicable to special meetings of the Board of Supervisors, except that notices of said committee meetings shall be directed to each member of the committee rather than to each member of the Board of Supervisors. (Amended by Ord. 4-71, App 1/4/71)

SEC. 2.9. ATTENDANCE OF OTHER CITY OFFICIALS AT BOARD MEETINGS. The Board of Supervisors does hereby address itself to the various boards, commissions, executive and administrative officials of the government of the City and County and does respectfully request that, in the future, whenever a matter coming under their respective jurisdictions is presented for the consideration of the Board of Supervisors at a regular meeting thereof, such board, commission, executive or administrative official shall arrange to have in attendance a representative fully conversant with the subject matter and in a position to supply the members of the Board with information upon all aspects of the matter. (Res No. 4292 (1939))

ARTICLE IV**WHEN SITTING AS BOARD OF EQUALIZATION**

SEC. 2.19. ASSISTANCE TO BOARD IN ITS DUTIES AS EQUALIZATION BOARD — DUTY OF DIRECTOR OF PROPERTY. The Director of Property is hereby authorized and directed to aid, assist and advise the Board of Supervisors, sitting as a board of equalization, in passing upon requests made to the

Board for the equalization of assessments on taxable real property and improvements in the City and County. Such services shall be rendered to the Board of Supervisors during the time that it sits as a board of equalization and for such time prior thereto as may be necessary to prepare for such investigation. (Ord. No. 6134 (1939), Sec. 1)

SEC. 2.20. ASSISTANCE TO BOARD IN ITS DUTIES AS EQUALIZATION BOARD — DUTY OF DIRECTOR OF PROPERTY — EMPLOYMENT OF INDEPENDENT EXPERT APPRAISERS. The Director of Property is hereby authorized and directed to employ the necessary independent expert real estate and building appraisers as needed, subject to the provisions of Section 8.300 of the Charter, to aid and assist him in advising the Board of Supervisors in regard to requests for equalization of assessments. (Ord. No. 6134 (1939), Sec. 2)

ARTICLE V

CHARTER AMENDMENTS, PROCEDURE

SEC. 2.23-9. EXCEPTION; AMENDMENT TO CHARTER PROVIDING FOR DISMISSAL OF EMPLOYEES ENGAGED IN STRIKE AGAINST CITY AND COUNTY. The provisions of Section 2.23 of this Article shall not be applicable to any proposal to amend the Charter to provide for the dismissal of any employee of the City and County who participates in a strike against said City and County in the event said proposal is introduced for submission to the qualified voters at the June 8, 1976, Direct Primary Election. (Added by Ord. 80-76, App. 3/19/76)

SEC. 2.23-11. EXCEPTION; AMENDMENTS TO CHARTER RELATING TO APPOINTMENT OF THE EMPLOYEE RELATIONS DIRECTOR. The provisions of Section 2.23 of this Article shall not be applicable to any proposal to amend the Charter with respect to the appointment of an Employee Relations Director, in the event said proposal is submitted to the qualified voters at the June 8, 1976, Primary Election. (Added by Ord. 82-76, App. 3/19/76)

SEC. 2.24. PUBLICATION AND FORMAT OF PROPOSED CHARTER AMENDMENTS. Any proposal for amendment of the Charter which is ordered submitted to the electors by the Board of Supervisors shall be published in the official newspaper and in pamphlets to be mailed to each of the qualified electors of the City and County. Words in the text of the amendment which are proposed as additions to or substitutions for existing Charter language shall be printed in boldface type. Words in the Charter text which are sought to be deleted by the amendment shall be printed in lightface type and shall be enclosed by double parentheses. Appropriate notations explanatory of the types used in the proposals shall precede the text thereof. (Ord. No. 4540 (1939), Sec. 2)

ARTICLE VI**PUBLIC UTILITY RATES, PROCEDURE**

SEC. 2.25. INFORMATION TO BE FURNISHED BOARD BY PUBLIC UTILITIES COMMISSION — GENERALLY. Whenever in accordance with the provisions of the Charter, the Public Utilities Commission of the City and County shall submit to the Board of Supervisors a proposal to fix, change or adjust rates, charges or fares for the furnishing of service by any utility under its jurisdiction, the Public Utilities Commission shall submit in support thereof all of the data upon which the proposal is based and a report of the anticipated effect of the proposal upon the budget of the affected utility for the then current and ensuing fiscal year, together with all the data supporting such conclusions, and a statement of the anticipated tax subsidy, if any, for such years (Ord. No. 7384 (1939), Sec 1)

SEC. 2.26. INFORMATION TO BE FURNISHED BOARD BY PUBLIC UTILITIES COMMISSION — REGULAR INTRODUCTION OF PROPOSAL. The proposal, upon transmission to the Board of Supervisors by the Public Utilities Commission as provided by the preceding section, shall be deemed to have been regularly introduced. (Ord. No. 7384 (1939), Sec. 2)

SEC. 2.27. FIXING DATES FOR CONSIDERATION. Upon submission to the Board of Supervisors of the proposal, as provided by the two preceding sections, the President of the Board of Supervisors shall refer the proposal to committee. That committee shall hold a public hearing and report back to the Board of Supervisors. That committee shall give priority to such proposal over all other matters pending before the committee. In the event that the committee fails to act within 15 days of referral, the proposal will be referred back to the Board of Supervisors for consideration. At the time such proposal is referred to committee the President of the Board of Supervisors shall set the dates for consideration and approval or rejection of the proposal, and in the case of a municipal railway proposal for approval, amendment or rejection of the proposal by the Board of Supervisors, with due regard to time limitations provided by the Charter within which the Board of Supervisors has the power to act on such proposal. (Amended by Ord. 49-83, App. 2/4/83)

SEC. 2.28. BOARD'S FINDING PRIOR TO APPROVAL OR REJECTION. Prior to approval or rejection of a proposal relative to public utility rates, the Board of Supervisors by a majority vote of its members shall adopt a resolution, which shall not be subject to approval or disapproval by the Mayor, making a finding based on the data submitted, whether or not the proposal to fix, change or adjust rates, charges or fares has been so fixed that the revenue therefrom shall be sufficient to pay, for at least the balance of the current fiscal year and all of the succeeding fiscal year, all expenses of every kind and nature incident to the operation and maintenance of the affected utility, together with the interest and sinking fund charges for any bonds issued for the acquisition, construction or extension of such affected utility. (Ord. No. 7384 (1939), Sec. 4)

SEC. 2.29. APPROVAL OR REJECTION. Following the findings, as provided in the preceding section, the Board of Supervisors shall approve or reject the proposal; provided, however, that failure to approve or reject the proposal within 30 days from and after the date of its introduction shall constitute approval thereof, except in the instance where it is incumbent upon the Board of Supervisors to provide by tax levy for any additional amount necessary to meet the deficit for the next ensuing fiscal year for the operation of such utility. (Ord. No. 7384 (1939), Sec. 5)

ARTICLE VII

BONDED INDEBTEDNESS FOR PUBLIC IMPROVEMENTS, PROCEDURE

SEC. 2.30. PROPOSAL SUBMITTED TO VOTERS PURSUANT TO STATE LAW AND CHARTER. Any proposal for the incurring of a bonded indebtedness of the City and County for public improvements, payable from the proceeds of taxes levied upon taxable property in the City and County, ordered submitted to the qualified voters of the City and County by the Board of Supervisors, shall be ordered pursuant to applicable provisions of the general laws of the State and the Charter of the City and County, with the further limitations imposed by this Article. (Ord No. 567-58, Sec 1)

SEC. 2.30-1. PROPOSAL TO BE SUBMITTED TO THE CAPITAL IMPROVEMENT ADVISORY COMMITTEE; REPORT THEREFROM. Any department of the City seeking to incur a bonded indebtedness on behalf of the City shall submit to the capital improvement advisory committee such proposal not less than 188 days before the election at which such proposal is to be acted upon by the voters. Such submission shall be accompanied by descriptive architectural or engineering data and all other pertinent material in sufficiently complete detail to permit the committee to review all aspects of the proposal. The committee shall make a written report thereon to the Board, analyzing the proposition as to its feasibility, cost and priority relative to the capital expenditure plan as provided under Section 3.05 of this Code. Said report shall include a separate written statement from the Director of Public Works indicating that the cost estimate for any and all construction which is or may be a part of a proposed bond project has been reviewed by the Department of Public Works as to its accuracy and completeness. The failure to render a report within 42 days after such bond proposal has been submitted to the committee, unless a longer time has been granted by the Board of Supervisors, shall constitute an approval of the proposal. (Added by Ord. 112-87, App. 4/24/87)

SEC. 2.31. PROPOSAL TO BE IN FORM OF RESOLUTION; DRAFTING, CONTENTS, INTRODUCTION TO BOARD AND REFERRAL TO COMMITTEE. The proposal provided for by Section 2.30 of this Code must be introduced by a member of the Board of Supervisors at a regular meeting of the Board in the form of a resolution determining that the public interest or necessity

demands the acquisition, construction or completion of any municipal improvement. The resolution shall have been prepared in final form by the City Attorney. The engineering and other data required by the City Attorney to properly draft the resolution shall be furnished him at least 10 days before the meeting at which the resolution is to be introduced.

Such resolution must be so introduced not less than 169 days before the election at which such proposal is to be acted upon by the voters. Such resolution shall be accompanied by descriptive and engineering data and all other pertinent material in sufficiently complete detail to permit the committee and the Board to pass upon the merits of the proposal, and to permit the preparation of reports and recommendations hereinafter required of the Controller and advisory agency. Upon introduction, each such resolution shall be referred to a committee of the Board of Supervisors. (Amended by Ord. 16-74, App. 1/4/74)

SEC. 2.32. REFERENCE OF RESOLUTION TO CITIZENS' BOND SCREENING COMMITTEE, ETC.; TIME OF REFERRAL; COMMITTEE'S REPORT. Immediately upon reference of any resolution as provided by Section 2.31 of this Code to committee, the Clerk of the Board shall refer a copy thereof to any citizens' bond screening committee or similar advisory agency then in existence pursuant to official designation by the Mayor or Board of Supervisors, with a request for report and recommendation by such agency. The committee to which any such resolution is referred shall not report it to the Board, and the Board shall not adopt such resolution, prior to receipt of such report and recommendation of the agency; provided, however, that the foregoing provisions of this sentence shall be ineffective in the event that the report and recommendation are not submitted to the committee within the period of 21 days immediately following the date of introduction of the resolution. (Ord No. 567-58, Sec 3)

SEC. 2.33. REFERRAL OF RESOLUTION TO CONTROLLER; STATEMENTS THEREFROM. Immediately after introduction of the resolution by the Board of Supervisors as provided by Section 2.31 of this Code, the Clerk of the Board shall deliver a copy thereof to the Controller, who shall make a written statement thereon to the Board, analyzing the proposition as to its cost and effect, pursuant to the provisions of Section 9.112 of the Charter. The committee to which any such resolution is referred shall not report it to the Board, and the Board shall not adopt such resolution, prior to receipt of such statement. (Amended by Ord. 280-61, App. 10/27/61; Ord. 112-87, App. 4/24/87)

SEC. 2.34. TIME OF ADOPTION OF RESOLUTION BEFORE ELECTION; TIME OF PASSAGE OF ORDINANCE ORDERING ELECTION. The resolution provided for by Section 2.31 of this Code shall be adopted by the Board of Supervisors not less than 141 days before the election at which such proposal is to be acted upon by the voters. At any meeting of the Board subsequent to that at which the resolution is adopted, but not less than 99 days before such election, the Board may finally pass an ordinance ordering the submission of such proposal to the qualified voters of the City and County at an election held for that purpose. The time limits as herein set forth may be waived by resolution of the Board of Supervisors. (Amended by Ord. 16-74, App. 1/4/74; Ord. 112-87, App. 4/24/87)

SEC. 2.35. INAPPLICABILITY OF ARTICLE TO PROPOSALS BY INITIATIVE PETITION. The provisions of Sections 2.30 to 2.34 shall not apply to bond issues proposed by initiative petition. (Amended by Ord. 193-71, App. 7/23/71)

SEC. 2.36-1. EXCEPTION: WATER POLLUTION CONTROL BOND ISSUE. The provisions of Sections 2.30 to 2.34, inclusive, of this Article shall not apply to a proposal of the incurring of a bonded indebtedness for water pollution control to be submitted to the qualified voters in the November 2, 1976, general election. (Added by Ord. 188-76, App. 6/18/76)

SEC. 2.37. CONTROLLER'S STATEMENT TO VOTERS. The Controller's statement of the effect on the tax rate of a proposition to create a bonded debt required to be mailed to the voters by the provisions of Section 9.112 of the Charter shall include a statement of the dollar amount such effect on the tax rate would cost the owners of real property with assessed values, respectively, of \$5,000, \$8,750 and \$12,500. The Registrar of Voters is authorized and directed to include this statement as part of the Controller's statement mailed to the voters pursuant to the provisions of Section 9.112 of the Charter. (Added by Ord. 193-71; App 7/23/71)

SEC. 2.40. BONDS — COUNTERSIGNATURES. For the sole purpose of countersigning City and County bonds, there are hereby created in the office of the Board of Supervisors positions of Assistant Clerk of said Board, the number of which shall be determined by the Clerk of the Board of Supervisors, and said Clerk is hereby authorized to appoint to said positions from time to time with the concurrence of the Controller, persons who are employed by the City and County in permanent positions in the office of said Controller.

When said persons are appointed to said positions, they shall have all the powers and perform all the duties of Deputy Clerk of the Board of Supervisors, and each of them is specifically authorized and directed to act as a Deputy Clerk thereof and to countersign such bonds theretofore authorized to be issued by said Board which have been specifically designated by the Clerk of the Board of Supervisors and the Controller.

Each of said appointees is hereby authorized to countersign the facsimile signature of the Clerk of the Board of Supervisors appearing on said bonds, and as such Deputy Clerk of said Board, to affix his or her signature to said bonds as Deputy Clerk of the Board of Supervisors following the facsimile signatures of the Mayor, the Treasurer and the Clerk of the Board of Supervisors.

No appropriation of funds shall be made for the payment of said Assistant Clerks of the Board of Supervisors hereinbefore mentioned for the reason that prior to appointment and during their incumbency as such Assistant Clerks of said Board they shall be employed by the City and County in the office of the Controller, and will perform the duties of Assistant Clerks of the Board of Supervisors in addition to their regularly assigned duties in the office of the Controller.

Each of said persons who shall be appointed to said positions of Assistant Clerk of the Board of Supervisors shall be bonded under the provisions of applicable law. (Added by Ord. 269-62, App. 10/11/62)

SEC. 2.50. BONDS — FORM OF OFFICIAL NOTICE OF SALE. The official notice of sale of bonds of the City and County of San Francisco shall be substantially in the form hereinafter set forth. The appropriate details describing the bonds to be offered for public sale and the date and conditions of sale shall be inserted in said form of official notice of sale of bonds by the Clerk of the Board of Supervisors with the approval of the City Attorney, provided that the sentences marked by an asterisk are instructions only and not part of the official notice of sale. Such official notice of sale shall be substantially in the following form, to wit:

CITY AND COUNTY OF SAN FRANCISCO
OFFICIAL NOTICE OF SALE OF BONDS

NOTICE IS HEREBY GIVEN that sealed proposals will be received and opened at the office of the Clerk of the Board of Supervisors, in the City Hall, Civic Center, San Francisco, California 94102, on _____, 19____ at the hour of _____M. for the purchase of bonds of said City and County more particularly described hereinafter.

ISSUE(S): (Name of Bonds), Series ____: \$____, consisting of _____ bonds of the denomination of \$____,000 each, numbered ____l to _____, inclusive, all dated _____, and designated Series _____, being part of an issue of \$____ aggregate principal amount authorized at an election held in said City and County of San Francisco on _____. * [Similar description to be inserted for each issue offered for sale, if more than one.]

INTEREST RATE: Not to exceed ____ percent per annum, payable semiannually on _____ and _____ of each year. Bidders must specify the rate or rates of interest which the bonds shall bear. Bidders may specify the number of separate interest rates not exceeding five rates and the same rate or rates may be repeated as often as desired; provided that: (i) The difference between the highest and lowest coupon rates specified in any bid shall not exceed two percent; (ii) Each interest rate specified in any bid must be in a multiple of 1/8th or 1/20th of one percent and a zero rate of interest cannot be named; (iii) No bond shall bear more than one rate of interest, no interest payment shall be evidenced by more than one coupon and supplemental coupons shall not be permitted; (iv) Each bond shall bear interest from its date to its stated maturity date at the interest rate specified in the bid; (v) All bonds of the same maturity shall bear the same rate of interest; and (vi) Any premium must be paid in immediate San Francisco funds as part of the purchase price and no bid shall be accepted which contemplates the cancellation of any interest coupons or the waiver of interest or other concession by the bidder as a substitute for immediate San Francisco funds. Should an interest rate be specified which results in annual interest payments not being equally divisible between the semiannual coupons in cents, the first semiannual coupon shall be reduced to the next lower cent, the second semiannual coupon shall be raised to the next higher cent, and all subsequent coupons for interest at that rate shall alternate between the lower and higher figures. Bids which do not conform to the terms of this paragraph shall be rejected.

MATURITIES: The aggregate amount of the bonds of all series will mature (without option of prior payment), * as follows:

Principal	Maturity Date
-----------	---------------

Amount (_____)

REDEMPTION: [if applicable]*

PAYMENT: Both principal and interest of each issue are payable in lawful money of the United States of America at the office of the Treasurer of the City and County of San Francisco, or, at holder's option, at the fiscal agency of the City and County of San Francisco in the City and State of New York.

PURPOSE OF ISSUE(S): Each of said issues was authorized by more than two-thirds vote of the electors voting at special elections for lawful municipal purposes, indicated generally by their respective titles.

SECURITY: Said bonds are general obligations of the City and County of San Francisco, and the Board of Supervisors thereof has power and is obligated to levy ad valorem taxes for the payment of said bonds and the interest thereon upon all property within said City and County of San Francisco subject to taxation by said city and county, except certain property which is taxable at limited rates, without limitation of rate or amount.

TAX EXEMPT STATUS: In the event that prior to the delivery of the bonds: (a) The income received by any private holder from bonds of the same type and character shall be declared to be taxable [either at the time of such declaration or at any future date] under any federal income tax laws, either by the terms of such laws or by ruling of a federal income tax authority or official which is followed by the Internal Revenue Service, or by decision of any federal court, or (b) Any federal income tax law is adopted which will have a substantial adverse tax effect on holders of the bonds as such, the successful bidder may, at his option, prior to the tender of the bonds by the City and County, be relieved of his obligation under the contract to purchase the bonds and in such case the deposit accompanying his or her bid will be returned.

REGISTRATION AND EXECUTION: Coupon bonds in definitive form will be issued by the City and County of San Francisco. Said bonds will be executed by the manual signature of at least one authorized officer of the City and County. Said bonds are registerable only as to both principal and interest.

LEGAL OPINION: The legal opinion of _____, attorneys at law, of San Francisco, California, approving the validity of said bonds, together with the usual closing proofs, including a no-arbitrage certificate, shall be furnished to the successful bidder without charge. A copy of said legal opinion certified by the official in whose office the original is filed shall be printed on said bonds without charge to the purchaser.

TERMS OF SALE

SINGLE BID: All bids must be for all [and not less than all] of the bonds hereby offered for sale, and for not less than the principal amount thereof and accrued interest thereon, and all bids must be unconditional. No bid form will be provided by the City and County, but each bid must be in writing and signed by the bidder. Each bid, together with bidder's check, must be enclosed in a sealed envelope addressed to the Clerk of the Board of Supervisors of the City and County of San Francisco, City Hall, San Francisco, California 94102, and endorsed *Proposal for City and County of San Francisco Bonds, Selling* _____, 19____.

BID CHECK: Each bid must be accompanied by a certified check or cashier's check for one-half of one percent of the principal amount of the bonds hereby offered for sale, drawn on a bank or trust company authorized to transact and

transacting business in the State of California, payable to the order of the Treasurer of the City of San Francisco, to secure the City and County from any loss resulting from the failure of the bidder to comply with the terms of his bid. No interest shall be paid upon the deposit made by any bidder. The deposit of each unsuccessful bidder shall be returned to him or her immediately upon the non-acceptance of his or her bid, and the deposit of the successful bidder shall become the property of the City and County and shall be credited to the successful purchaser upon the purchase price of the bonds. If the purchase price is not so paid upon the tender of the bonds, the successful bidder shall have no right in or to said bonds or to the recovery of said deposit, unless it shall appear that the bonds cannot be validly issued in the form and manner proposed. In the event of non-payment for the bonds upon valid tender thereof to the successful bidder, the City and County reserves any and all rights granted by law to recover the full purchase price of the bonds and, in addition, any damages suffered by the City and County.

BASIS OF AWARD: The bonds shall be awarded to the bidder whose bid will result in the lowest net interest cost on the bonds. The lowest net interest cost shall be determined by ascertaining the total amount of interest which the City and County would be required to pay from the date of the bonds bid for to their respective maturity dates, at the coupon rate or rates specified in the bid, less the total amount of the premium, if any, offered by such bid. The purchaser must pay accrued interest computed on a 360-day year basis from the date of the bonds to the date of delivery. The cost of preparing bonds, including the printing thereon of the legal opinion of bond counsel, will be borne by the City and County.

ESTIMATE OF NET INTEREST COST — Bidders are requested, but not required, to supply an estimate of the total net interest cost to the City and County on the basis of their respective bids, which shall be considered as informative only and not binding upon either the bidder or the City and County.

RIGHT OF REJECTION: The City and County of San Francisco reserves the right, in its discretion, to reject any and all bids and to waive any irregularity or informality in any bid.

PROMPT AWARD: The Board of Supervisors shall take action awarding the bonds or rejecting all bids not later than 30 hours after the expiration of the time herein prescribed for the receipt of proposals. Prompt notice of award shall be given to the successful bidder.

DELIVERY AND PAYMENT: Delivery of said bonds shall be made to the successful bidder at the office of the Treasurer of the City and County of San Francisco, California, as soon as practicable. At least five days' notice of delivery shall be given to the successful bidder. Payment for the bonds must be made in immediate San Francisco funds. Any expense for making immediate San Francisco funds available, whether by transferring Federal Reserve Bank funds or otherwise, shall be borne by the purchaser.

RIGHT OF CANCELLATION: The successful bidder shall have the right, at his or her option, to cancel the contract of purchase if the City and County shall fail to tender the bonds for delivery within 60 days from the date of sale thereof, and in such event the successful bidder shall be entitled to the return of the deposit accompanying his or her bid.

NO LITIGATION: There is no litigation pending concerning the validity of the above issues, the corporate existence of the City and County, or the title of the

officers to their respective offices, and the City and County shall furnish to the successful bidder a no-litigation certificate certifying to the foregoing as of and at the time of the delivery of the bonds.

CUSIP NUMBERS: It is anticipated that CUSIP numbers will be printed on said bonds but neither failure to print such numbers on any bond nor error with respect thereto shall constitute cause for a failure or refusal by the purchaser thereof to accept delivery of and pay for said bonds in accordance with the terms of the purchase contract. All expenses in relation to the assignment and printing of CUSIP numbers on said bonds shall be paid by the City and County.

OFFICIAL STATEMENT: The City and County has employed _____ Street, _____, _____, as financing consultants to prepare an official statement relative to said bonds and the financial condition of the City and County of San Francisco, copies of which shall be furnished to any bidder upon request to the undersigned or to said financing consultants.

ADJOURNMENT: The Clerk of the Board of Supervisors, upon the direction of the Board of Supervisors, may cancel or adjourn the sale by public announcement made prior to or at the time and place fixed for the receipt of bids, and may give such notice of the new time and place of sale of the bonds as such clerk deems advisable. If such sale is cancelled or postponed, all sealed bids shall be returned unopened.

Dated: _____, 19____.

Clerk of the Board of Supervisors of the City and County of San Francisco,
State of California.

(Amended by Ord. 176-76, App. 6/11/76)

ARTICLE VIII

TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS

SEC. 2.70. REQUEST FOR PERMISSION FOR TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS; PROCEDURE. Any request for permission for the temporary use or occupancy of a public street within the City and County shall be filed with the Clerk of the Board of Supervisors, on a form provided by said Clerk of the Board, not less than 60 days prior to the date of said proposed temporary use or occupancy. Upon receipt, the Clerk shall refer such request to an appropriate committee of said board for public hearing and shall transmit a copy of said request to the interdepartmental staff committee on traffic and transportation for its report and recommendation thereon. The report and recommendation of said committee shall be submitted to the Board within five days after it considers said request at its meeting.

The Board committee before which a proposed temporary public street use or occupancy request is pending shall not report it to the Board, and the Board shall not grant permission for such temporary use or occupancy prior to receipt of the aforesaid report, but in the event said report is not received within said time limitation, such committee and Board action shall be permissible. The Clerk of the

Board shall transmit copies of any legislation granting permission for the temporary use or occupancy of a public street to the Chief of Police; the Chief of the Fire Department; the Superintendent, Emergency Hospital Service, Department of Public Health; and to the General Manager of the Municipal Railway. (Amended by Ord. 117-83, App. 3/11/83)

SEC. 2.71. CONDITIONS. Any permission for the temporary use or occupancy of a public street authorized by the Board of Supervisors shall be subject to the following conditions:

a. No objects of any nature shall be placed or maintained within 15 feet of any fire hydrant or within five feet of any fire alarm box or police call box.

b. No objects of any nature shall be placed or maintained within any intersection or pedestrian crosswalk nor shall any vehicles be permitted to be parked in such areas.

c. A continuous passage way in the roadway at least 14 feet in width shall be maintained at all times during the period of such use or occupancy for the use of emergency vehicles.

d. No objects of any nature shall be fastened to or erected over the surface of the street or sidewalk, and no objects shall be affixed to any pole or standard upon any street or sidewalk, without prior written consent of the Director of Public Works or Hetch Hetchy.

e. Painting upon any street or sidewalk surface shall be permitted only if a washable paint is used, and must be removed. No paint on Muni or traffic control devices.

f. Adequate illumination of area shall be maintained at all times such illumination is appropriate.

g. Official traffic control devices and traffic signal controllers shall not be covered or blocked at anytime during the period of such use or occupancy.

h. Street barricades, to be obtained from the Police Department, shall be placed in accordance with the directions of the Police Department, shall be maintained in said locations at all times during the period of such use or occupancy, and shall be returned to the Police Department upon termination of the period of said use.

i. All manhole covers and valve box covers shall be kept clear of any fixed object.

j. All streets and sidewalks within the area for which such permission is granted shall be kept clean and free from dirt and debris at all times during the period of such temporary use or occupancy, and all materials and equipment used in connection with said temporary use and occupancy shall be removed immediately upon the termination of the period of such use or occupancy. The Director of Public Works shall report any violations of this subsection to the Board of Supervisors.

k. Applications for permission to hold a street fair on a predominantly commercial street shall be accompanied by evidence of insurance coverage as hereinafter set forth. For purposes of this subsection, a "predominantly commercial street" shall mean a street block on which at least 50 percent of front footage of

private property on the ground floor of the street is used for commercial purposes. A street block shall be measured from street intersection to street intersection, but shall not include any alley intersection.

Applicants shall maintain in force, during the full term of the permit, insurance as follows:

(1) General Liability Insurance with limits not less than \$500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage, including Contractual Liability, Personal Injury, Broadform Property Damage, Products and Completed Operations Coverages;

(2) If any vehicles will be operated by the applicant in connection with street fair activities under the permit, Automobile Liability Insurance with limits not less than \$500,000 each occurrence Combined Single Limit Bodily Injury and Property Damage, including owned, nonowned and hired auto coverages, as applicable; and

(3) If the applicant has employees, Workers Compensation with Employers' Liability limits not less than \$500,000 each accident. General Liability and Automobile Liability Insurance policies shall be endorsed to provide the following:

(a) Name as additional insureds the City and County of San Francisco, its officers, agents and employees;

(b) That such policies are primary insurance to any other insurance available to the Additional Insureds with respect to any claims arising out of activities under the permit, and that insurance applies separately to each insured against whom claim is made or suit is brought.

Certificates of insurance, in format and with insurers satisfactory to the City evidencing all applicable coverages shall be furnished to the City ten days prior to the issuance of the permit and before commencing any operations under the permit, with complete copies of policies to be furnished to the City upon request.

The insurance requirement of this subsection shall be waived by the Board of Supervisors if the applicant certifies in writing that (1) the purpose of the street fair is First Amendment expression and that (2) the cost of obtaining insurance is so financially burdensome that it would constitute an unreasonable prior restraint on the right of First Amendment expression, or that it has been impossible for the applicant to obtain insurance coverage.

1. Such further conditions as may be imposed by the Department of Public Works after inspection of the area involved. (Amended by Ord. 168-84, App. 4/18/84)

SEC. 2.72. EXCEPTIONS. The provisions of Sections 2.70 and 2.71 of this Article shall not be applicable to permits issued by the Director of Public Works pursuant to the provisions of Section 724 of the Public Works Code or to the temporary use or occupancy of a public street by a school where the school is using the street area for play purposes during specified hours of the school day. (Added by Ord 30-73, App. 1/26/73)

SEC. 2.73. TEMPORARY USE OR OCCUPANCY OF PUBLIC STREETS BY THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT FOR DEBARKATION AND EMBARKATION OF STUDENTS: DUTIES. Notwithstanding the conditions set forth in Section 2.71 of this Article, any school of the San Francisco Unified School District receiving permission for the temporary

use or occupancy of a public street within the City and County pursuant to Section 2.70 of this Article for the debarkation and embarkation of students from buses, shall be solely responsible for:

(a) The procurement and placement of all street barricades necessary for the establishment of the requested student debarkation and embarkation of bus zones;

(b) The placement on or near said barricades of clearly visible signs of a uniform type prohibiting the parking of vehicles adjacent to said barricades; and

(c) The handling of school buses at loading zones within areas enclosed by said barricades. (Added by Ord. 343-75, App 8/1/75)

SEC. 2.74. PERMITS FOR USE OF UNITED NATIONS PLAZA FOR CERTAIN ACTIVITIES TO BE ISSUED BY THE RECREATION AND PARK DEPARTMENT. (a) The area of the City and County of San Francisco referred to in this section as the United Nations Plaza is comprised of Fulton Street between Hyde and Market streets and Leavenworth Street between McAllister and Fulton streets, previously closed to vehicular traffic by the Board of Supervisors.

(b) Notwithstanding Section 2.70, permits for the use of United Nations Plaza shall be issued by the Recreation and Park Department according to the procedures and standards established for the issuance of permits for the use of property under the jurisdiction of the Recreation and Park Commission; provided, however, that the Recreation and Park Department shall only issue permits for activities which are recreational in nature or which are engaged in primarily for the purpose of espousing or advocating causes or ideas which activities are generally recognized as protected by the First Amendment to the U. S. Constitution. Permits to engage in any other type of activity shall be issued by the Board of Supervisors.

(c) An appeal from the denial of a permit application by the Recreation and Park Department for the use of United Nations Plaza shall be made to the Board of Supervisors. An appropriate committee of the Board of Supervisors shall consider the appeal before it goes to the full Board, unless there is insufficient time before the date of the proposed event for committee review. If a quorum of the full Board cannot be convened in time to consider the appeal before the date of the proposed event, the procedure to be followed shall be that established in the Park Code or by Commission resolution for the appeal of the denial of a permit application by the Recreation and Park Department when a quorum of the Recreation and Park Commission cannot be convened in a timely manner to consider the appeal. In the event that neither the Code nor a Commission resolution contains such a procedure, the decision of the Recreation and Park Department shall be final.

(d) All procedures and standards, other than procedures for appeal of the denial of a permit application, shall be the same for permits issued by the Recreation and Park Department for the use of United Nations Plaza as they are for permits issued for the use of park property. If a permittee uses United Nations Plaza and damages it, or fails to clean up after the permitted event, or otherwise leaves the property in a manner that occasions the expenditure of labor or money to restore the Plaza, the Recreation and Park Department may bill the permittee pursuant to its usual procedures and otherwise seek any remedy normally sought when the property involved is property under the jurisdiction of the Recreation and Park Commission.

(e) Nothing in this action shall be construed as evidence of an intent to dedicate the United Nations Plaza as a park or to place the United Nations Plaza under the jurisdiction of the Recreation and Park Commission. Nor shall anything in this section be construed as evidence of an intent that any of the provisions of the San Francisco Charter pertaining to park property are to be applicable to the United Nations Plaza. (Added by Ord. 10-82, App. 1/15/82)

ARTICLE IX

OFFICIAL NEWSPAPER(S)

SEC. 2.80. OFFICIAL NEWSPAPER(S) — DEFINITION. Pursuant to the provisions of Section 10.100(f) of the Charter, the official newspaper or newspapers of the City and County is hereby defined as a newspaper of general circulation published for the dissemination of local or telegraphic news and intelligence of general character, which has a bona fide circulation of at least 50,000 copies per calendar week and which is printed in the City and County on three or more days in a calendar week. (Added by Ord. 250-78, App. 6/1/78)

SEC. 2.81. OFFICIAL NEWSPAPER(S) — DESIGNATION. In each year, the Board of Supervisors shall designate the official newspaper or newspapers of the City and County as herein below set forth.

On or before the first day of June in each year, the Purchaser shall prepare a notice inviting sealed proposals for: (1) The publication of all official advertising of the City and County which is required by law to be published on two or more consecutive days, and all official advertising of the City and County which is required to be published in accordance with the provisions of Sections 2.200 or 2.201 of the Charter for special meetings of the Board of Supervisors and its standing or special committees; and (2) the publication of all official advertising of the City and County, which is required by law to be published one time, other than the provisions of Sections 2.200 or 2.201 of the Charter as they relate to special meetings of the Board of Supervisors and its standing or special committees; and all official advertising of the City and County which is required by law to be published more than one time, but not more than three times a week for a specified number of weeks. Said notices shall be published once in the appropriate official newspaper of the City and County. At least five days shall intervene between the date of publication and the time for filing such sealed proposals. The purchaser shall, not less than 10 days after the date of publication of said notices, report to the Board of Supervisors the amount of any and all sealed proposals received by him or her, and shall let a contract or contracts for the ensuing fiscal year to the lowest reliable and responsible bidder in each category set forth hereinabove. Thereupon the Board of Supervisors shall, by resolution, designate said newspaper or newspapers as the official newspaper or newspaper of the City and County for said fiscal year. (Amended by Ord. 382-78, App. 8/18/78)

SEC. 2.82. PUBLICATION OF LEGISLATION. (a) Notice of the purport and subject matter of each proposed ordinance which is introduced and

referred to committee shall be published within five days after its presentation to the Board of Supervisors, and a copy of such proposed ordinance shall be kept available for inspection in the office of the Clerk of the Board.

(b) Notice that an ordinance has been passed for second reading, that an ordinance has been finally passed, and that a resolution has been adopted together with a statement of where copies may be obtained, shall be published once within five days of such passage for second reading, final passage or adoption (Added by Ord. 387-79, App. 7/27/79)

ARTICLE X

PHILLIP BURTON COMMEMORATIVE CITIZENS ADVISORY COMMITTEE

SEC. 2.90. ESTABLISHMENT; COMPOSITION; APPOINTMENT; QUALIFICATIONS; TERMS. There is hereby established a committee to be known as the Phillip Burton Commemorative Citizens Advisory committee (hereinafter referred to as "Advisory Committee"), which shall assist the Board of Supervisors in determining the most appropriate honor to perpetually commemorate the life and work of the late Phillip Burton, Member of Congress. The Advisory Committee shall consist of 13 voting members. Each member of the Board of Supervisors shall appoint one member to the Advisory Committee. Congresswoman Sal Burton or her designee and Mayor Dianne Feinstein or her designee shall also serve as members. The Advisory Committee members shall serve without compensation for a term of one year from the effective date of this ordinance.

(a) In making appointments, the Board of Supervisors shall consult with persons and organizations interested in those ecological, scientific and other areas with which the late Representative Phillip Burton was particularly concerned. The appointees to the Advisory Committee shall be residents of the City and County of San Francisco, and shall be broadly representative of the various community and business interests in San Francisco.

(b) All meetings of the Advisory Committee shall be open to the public. At the initial meeting of the Advisory Committee, the members thereof shall select such officers as deemed necessary by the Advisory Committee. The Advisory Committee shall establish rules and regulations for its own organization and procedure and shall meet when necessary as determined by the Advisory Committee. Minutes of all meetings and hearings shall be made by the Secretary or other appropriate officer of the Advisory Committee and approved at the next subsequent meeting.

(c) Monies from the General Fund of the City and County of San Francisco shall be appropriated to and expended by the Advisory Committee only for costs of publicizing meeting and hearing dates, costs of publication of the Advisory Committee's minutes, and cost of distributing information to the general public. (Added by Ord. 485-83, App. 9/22/83)

SEC. 2.91. POWERS AND DUTIES. The Advisory Committee shall, no later than six months from the effective date of this ordinance, submit a report to the Board of Supervisors presenting its recommendations as to the most appropriate means of perpetually commemorating the late Representative Phillip Burton's life and work.

(a) The Advisory Committee shall hold at least two public hearings for the purpose of soliciting suggestions and recommendations from the general public as to the most appropriate means of commemorating the late Representative Burton's memory.

(b) The Advisory Committee shall consider the testimony presented at the public hearings before it, and shall include a summary and analysis of said testimony in its report to the Board of Supervisors.

(c) Notice of public hearings before the Advisory Committee shall be given by at least one publication in the official newspaper of the City and County of San Francisco not less than 15 days prior to the date of such hearing. The Advisory Committee may also give notice to any person or organization that it may deem appropriate. (Added by Ord. 485-83, App. 9/22/83)

SEC. 2.92. DURATION OF THIS ARTICLE. This Article shall remain in effect for one year from the effective date of this ordinance, and as of such date is repealed unless the Board of Supervisors by ordinance hereafter delays or extends such repeal date. (Added by Ord. 485-83, App. 9/22/83)

ARTICLE XI

CITY ATTORNEY REPRESENTATION

SEC. 2.95. Whenever in the course of the Charter mandated duty of the City Attorney to represent the City and County of San Francisco, or any board, commission, officer or employee thereof, the City Attorney determines that a full and complete representation of the City and County of San Francisco or any board, commission, officer or employee thereof requires an attack upon the validity of any provision of the San Francisco Charter or of any ordinance or resolution of the City and County of San Francisco, the City Attorney shall within five working days of such determination notify the Board of Supervisors in writing of the potential conflict between the City Attorney's duty to uphold the Charter of the City and County of San Francisco or the public enactments of the City and County of San Francisco on the one hand and the City Attorney's duty to provide complete and full representation to the City and County of San Francisco or any board, commission, officer or employee thereof on the other hand. The City Attorney shall make a recommendation for resolving the conflict in the written notification to the Board of Supervisors. (Added by Ord. 7-82, App. 1/8/82)

CHAPTER 2B**ASSESSMENT APPEALS BOARD (TAX APPEAL BOARD)**

- Sec. 2B.1. Board Created.
- Sec. 2B.2. Designation.
- Sec. 2B.3. Board Membership and Selection.
- Sec. 2B.4. Duty of Board.
- Sec. 2B.5. Compensation of Board Members.
- Sec. 2B.6. Board Quorum.
- Sec. 2B.7. Clerk of the Board.
- Sec. 2B.8. Assessment Appeals Board.

SEC. 2B.1. BOARD CREATED. Pursuant to Section 9.5 of Article XIII of the California State Constitution a Tax Appeals Board is hereby created. (Added by Ord. 37-67, App. 1/31/67)

SEC. 2B.2. DESIGNATION. The Tax Appeals Board hereby created shall be designated Tax Appeals Board No. 1. (Added by Ord. 37-67, App. 1/31/67)

SEC. 2B.3. BOARD MEMBERSHIP AND SELECTION. Such Tax Appeals Board shall consist of three members who shall be selected in the manner and for the term prescribed by law. The Board of Supervisors does hereby, as an alternative to the selection procedure for members of the Tax Appeals Board provided in Section 1622 of the California Revenue and Taxation Code, elect to appoint directly the members of the Tax Appeals Board (Amended Ord. 110-68, App. 5/1/68)

SEC. 2B.4. DUTY OF BOARD. It shall be the duty of the Tax Appeals Board to equalize the valuation of the taxable property within the City and County for the purposes of taxation in the manner and subject to the limitation contained in Sections 9 and 9.5 of Article XIII of the California State Constitution. (Added by Ord. 37-67, App. 1/31/67)

SEC. 2B.5. COMPENSATION OF BOARD MEMBERS. The compensation of members of the Tax Appeals Board shall be as specified in the salary standardization ordinance enacted pursuant to the provisions of Section 8.401 of the Charter of the City and County. (Added by Ord. 37-67, App. 1/31/67)

SEC. 2B.6. BOARD QUORUM. A majority of the members of the Tax Appeals Board constitutes a quorum for the transaction of business. No act of the Board shall be valid or binding unless a majority of all the members concurs therein. (Added by Ord. 37-67, App. 1/31/67)

SEC. 2B.7. CLERK OF THE BOARD. The Clerk of the Board of Supervisors is Clerk of the Tax Appeals Board and the Tax Appeals Board's Administrator. The Clerk of the Tax Appeals Board and the Tax Appeals Board Administrator shall perform those duties prescribed for the Clerk of the Tax

Appeals Board in Article 1.5 (commencing with Section 1620) of Chapter 1, Part 3, Division 1 of the Revenue and Taxation Code, and shall: (1) appoint, subject to the civil service provisions of the Charter, all employees in the department of the Board of Supervisors who are to perform any duties in connection with the Tax Appeals Board's proceedings; (2) fix the time and place of sessions of the Tax Appeals Board; (3) calendar all petitions or applications to be heard by the Tax Appeals Board and notify all petitioners of the time and place fixed for such hearings. (Added by Ord. 37-67, App. 1/31/67)

SEC. 2B.8. ASSESSMENT APPEALS BOARD. The appeals board created herein and now designated as the Tax Appeals Board shall hereafter be known as the Assessment Appeals Board, and all references in this code or other ordinances, resolutions or official records and documents to the Tax Appeals Board shall mean the Assessment Appeals Board. (Added by Ord. 132-68, App. 5/16/68)

CHAPTER 3

BUDGET PROCEDURES

- Sec. 3.05. Capital Improvement Advisory Committee.
- Sec. 3.06. Capital Improvement Advisory Committee—Membership.
- Sec. 3.07. Capital Improvement Advisory Committee—Rules and Regulations.
- Sec. 3.08. Capital Improvement Advisory Committee—Reports to Mayor and Board of Supervisors.
- Sec. 3.09. Capital Improvement Advisory Committee—Long Term Financing Proposals.
- Sec. 3.010. Capital Improvement Advisory Committee—Requests for Supplemental Appropriations.
- Sec. 3.011. Capital Improvement Advisory Committee—Master Plan Referrals.
- Sec. 3.015. Electronic Information Processing Steering Committee Created; Purpose; Definitions.
- Sec. 3.016. Master Plan.
- Sec. 3.017. Reports.
- Sec. 3.018. Steering Committee: Required Review; Failure to Report.
- Sec. 3.019. Steering Committee: Membership.
- Sec. 3.020. Steering Committee: Rules and Regulations; User Committees; Funding.
- Sec. 3.1. Introduction and Publication of Budget and Enactment of Interim Appropriation Ordinance.
- Sec. 3.2. Preparation and Submission of Administrative Provisions of Annual Salary Ordinance and Enactment of Interim Ordinance.
- Sec. 3.3. Transmission of Proposed Budget, Etc., to Committee; Committee's Return and Report.
- Sec. 3.5. Time Limitations for Approval of Budget, Salary and Appropriation Ordinances.
- Sec. 3.7. Information Concerning Budget Requirements and Related Matters.
- Sec. 3.8. Controller to Assist Clerk in Preparation of Budget.
- Sec. 3.9. Controller to Number Consecutively and Cross Index Master Budget.
- Sec. 3.10. Offices, Etc., to be Assigned Separate Section Numbers in Annual Salary Ordinance.
- Sec. 3.11. Department Heads to List Employments in Budget Estimates Separately.
- Sec. 3.12. Departments to Operate Within Amounts Budgeted.
- Sec. 3.13. Appropriation for Adornment of Proposed Public Structures.
- Sec. 3.14. Department Certification Regarding State or Federal Funds.
- Sec. 3.15. Supplemental Appropriation Ordinances.
- Sec. 3.16. Port Commission Budget Procedure.
- Sec. 3.16-1. Mayor's Economic Development Council; Budget Procedure.
- Sec. 3.17. Filing of Budget Estimates.

- Sec. 3.17-1. Budget Review Justification.
Sec. 3.17-2. Departmental Report of Fees.

SEC. 3.05. CAPITAL IMPROVEMENT ADVISORY COMMITTEE. A Capital Improvement Advisory Committee is hereby created to advise the Mayor and Board of Supervisors about the future maintenance and improvement needs of the City's capital assets (buildings and structures) and to recommend program and financing strategies to meet these identified needs.

To fulfill these responsibilities for the future maintenance and improvement of the City's capital assets and to initiate actions to meet these future needs, the goals of the Capital Improvement Advisory Committee are as follows:

To maintain the existing physical plant of the City at an adequate level to ensure that the public services for which it was designed to provide are effectively delivered;

To prepare an annual six-year capital expenditure plan for the maintenance and improvement of the City's physical plant;

To provide for the continuing maintenance of the program and its associated data base to monitor the condition of the City's capital assets, especially for the general fund supported departments, to give the committee the capability to develop a multi-year schedule of maintenance projects for the correction of identified system deficiencies;

To coordinate the capital plans for the Revenue Department as a part of the six-year capital expenditure plan;

To submit periodic reports to the Mayor and the Board of Supervisors on the status of the City's capital assets;

To establish and maintain within the capital expenditure plan a long-term, multi-year schedule of general obligation bond proposals for the improvement needs of the general fund supported departments;

To encourage the rational allocation of financial resources for the capital assets of the general fund and general fund supported departments; and

To serve as a conduit for the review and analysis of general obligation bond proposals prior to their consideration by the Board of Supervisors for submission to the City's electorate. (Amended by Ord. 164-70, App. 5/14/70; Ord. 112-87, App. 4/24/87)

SEC. 3.06. CAPITAL IMPROVEMENT ADVISORY COMMITTEE — MEMBERSHIP. The Capital Improvement Advisory Committee shall be composed of the Chief Administrative Officer, who shall act as chair, the Controller, the Director of Public Works, the Director of Planning, the General Manager of Utilities, the General Manager of the Recreation and Park Department, the Director of Airports, the Director of Property, the Director of Public Health, and the Port Director. (Amended by Ord. 62-66, App. 6/21/66; Ord. 112-87, App. 4/24/87)

SEC. 3.07. CAPITAL IMPROVEMENT ADVISORY COMMITTEE — RULES AND REGULATIONS. The Capital Improvement Advisory Committee shall have the duty and the power to establish rules and regulations for the conduct of its affairs and for the procedures to be followed by the several boards, commissions and departments in submitting the information required by the committee.

In general, the committee shall have such powers as may be necessary to enable it to fulfill its functions. (Amended by Ord. 51-76, App. 2/27/76; operative from 7/1/78 (Ord. 149-77); Ord. 112-87, App. 4/24/87)

SEC. 3.08. CAPITAL IMPROVEMENT ADVISORY COMMITTEE — REPORTS TO MAYOR AND BOARD OF SUPERVISORS. The Capital Improvement Advisory Committee shall be responsible for the preparation of the annual six-year capital expenditure plan for submission to the Mayor and the Board of Supervisors as a part of the annual budget process. The first year of the plan shall be the recommended capital expenditure budget for the ensuing fiscal year for all fund groups and funds. The purposes of this plan are to set recommended project priorities to guide the allocation of financial resources with a special emphasis on those projects contained in the first year of the plan and to establish a six-year schedule of projects for the maintenance and improvement of the physical plant.

Within 30 days following the final approval of the annual appropriation ordinance for the ensuing fiscal year, the Capital Improvement Advisory Committee shall prepare and submit a final report on the annual six-year capital expenditure plan to the Mayor and the Board of Supervisors. The purposes of this report are to indicate final action by the Board of Supervisors on all projects contained in the first or budget year of the plan and to provide a document on which the preparation of the following fiscal year's capital expenditure plan can be based. (Amended by Ord. 122-62, App. 5/16/62; Ord. 112-87, App. 4/24/87)

SEC. 3.09. CAPITAL IMPROVEMENT ADVISORY COMMITTEE — LONG TERM FINANCING PROPOSALS. Reserved.

SEC. 3.010. CAPITAL IMPROVEMENT ADVISORY COMMITTEE — REQUESTS FOR SUPPLEMENTAL APPROPRIATIONS. Requests for supplemental appropriations for capital improvements or facilities maintenance projects shall be referred to the Capital Improvement Advisory Committee for report thereon to the Mayor and the Board of Supervisors as to whether the request is in conformity with the six-year capital expenditure plan.

Failure of the Capital Improvement Advisory Committee to render a report within 30 days after such referral, unless a longer time has been granted by the Board of Supervisors, shall constitute a finding that the supplemental appropriation is in conformity with the six-year expenditure plan. (Amended by Ord. 139-66, App. 6/21/66; Ord. 112-87, App. 4/24/87)

SEC. 3.011. CAPITAL IMPROVEMENT ADVISORY COMMITTEE — MASTER PLAN REFERRALS. Where a capital improvement project requires a master plan action by the Department of City Planning, the Capital Improvements Advisory Committee cannot act upon such project until a report has been rendered by the Department of City Planning regarding conformity of the project with the master plan.

Failure of the Department of City Planning to render a report within 30 days after such referral, unless a longer time has been granted by the Board of Supervisors, said capital improvement plan shall be deemed to be in conformity with the master plan. (Amended by Ord. 139-66, App. 6/21/66; Ord. 112-87, App. 4/24/87)

SEC. 3.015. ELECTRONIC INFORMATION PROCESSING STEERING COMMITTEE CREATED; PURPOSE; DEFINITIONS. (a) **Creation and Purpose.** An electronic information processing Steering Committee is hereby created. The purpose of the Steering Committee is to (i) assess requirements for, and prepare and annually update a plan for, electronic information processing for the City, (ii) set policy and priorities for the acquisition of electronic information processing hardware and software, and shared electronic information processing systems, (iii) establish citywide priorities for electronic information processing system enhancements, and (iv) evaluate the implementation and performance of electronic processing projects.

(b) **Definitions.** For purposes of Sections 3.015 through 3.020 of this Code:

"Electronic information processing" shall include data processing, word processing and telecommunications systems;

"Steering Committee" shall mean the electronic information processing Steering Committee created pursuant to this section;

"Acquisition" shall mean the purchase, lease, or rental of electronic information processing resources;

"Enhancement" shall mean any addition or change to existing electronic information processing systems;

"Electronic information processing resources" shall include all hardware, software, personnel, and contractual service costs related to electronic information processing systems; and

"Master Plan" shall mean the Electronic Information Processing Master Plan. (Added by Ord. 458-82, App. 9/30/82)

SEC. 3.016. MASTER PLAN. (a) **Purpose.** The Steering Committee shall prepare a three-year Master Plan for the City's utilization of electronic information processing resources. The purpose of this three-year Master Plan shall be to more efficiently and effectively use the information processing resources available to the City through (i) the integration of information processing systems, (ii) the standardization of systems hardware and software, (iii) the consolidation of redundant systems and procedures, and (iv) the development of new information processing capabilities.

(b) **Contents.** The Master Plan shall include (i) all current policies of the Steering Committee governing the City's acquisition and utilization of electronic information processing resources, and (ii) a three-year compilation and ranking of all electronic information processing requests submitted in conformance with the Steering Committee policies.

(c) **Schedule.** The Master Plan shall be reviewed and updated annually, no later than June 1st of each year. In addition, the Master Plan shall be updated throughout the fiscal year to reflect the action by the Board of Supervisors on any supplemental budget appropriation. (Added by Ord. 458-82, App. 9/30/82)

SEC. 3.017. REPORTS. (a) **Department Reports.** Heads of departments which utilize electronic information processing resources shall annually, not later than the first day of December, file with the Steering Committee a report describing all electronic information processing expenditures which are proposed for inclusion in the budget for the next three fiscal years.

(b) **Steering Committee Reports.** The Steering Committee shall review all electronic information processing budget requests and prepare a report to the Mayor and the Board of Supervisors on each. The report shall include (i) a statement as to the conformance or lack of conformance of each request to the Master Plan, (ii) a cost/benefit analysis of each request, (iii) a recommendation for approval or disapproval of each request, including the amount approved, and (iv) a priority ranking of those requests recommended for funding in the fiscal year.

(c) **Annual Report Due Date.** The Steering Committee shall report on annual budget requests for electronic information processing resources within 60 days of the date a request for review is received. (Added by Ord. 458-82, App. 9/30/82)

SEC. 3.018. STEERING COMMITTEE: REQUIRED REVIEW; FAILURE TO REPORT. (a) **Required Review.** No funds shall be appropriated for electronic information processing resources unless the proposed appropriation has been submitted to and reported on by the Steering Committee.

(b) **Failure to Report.** In the event that the Steering Committee fails to report on a budget request within the time limits established in Section 3.017(c), that request, unless for maintenance of the existing level of electronic information processing resources by the Controller's EDP section, shall be denied and must be resubmitted as a request for a supplemental appropriation. The Steering Committee's report shall be deemed waived if the Steering Committee does not act on a request for a supplemental budget appropriation within the time limits established by Section 3.017(d). (Added by Ord. 458-82, App. 9/30/82)

SEC. 3.019. STEERING COMMITTEE: MEMBERSHIP. The Steering Committee shall be composed of the following seven members: (1) the Chief Administrative Officer, or his or her designated representative; (2) the Controller, or the Director of Systems and Data Processing as the designee of the Controller; (3) the Budget Analyst of the Board of Supervisors, or his or her designated representative; (4) the Executive Deputy Mayor for Fiscal and Program Administration, or his or her designated representative; and (5) through (7), three heads of City departments which use electronic information processing resources, or their designated representatives. The City department members shall be selected and replaced by committee members (1) through (4). (Added by Ord. 458-82, App. 9/30/82)

SEC. 3.020. STEERING COMMITTEE: RULES AND REGULATIONS; USER COMMITTEES; FUNDING. (a) **Rules and Regulations.** The Steering Committee shall (i) establish rules and regulations for the conduct of its affairs, including the delegation of decision-making authority to its staff, (ii) elect a chairperson from among the membership of the Committee, and (iii) establish the procedures to be followed by the several boards, commissions and departments in submitting requests for electronic information processing systems acquisitions and enhancements.

(b) **User Commission.** The Steering Committee shall establish such additional committees composed of (i) representatives of departments which utilize electronic information processing resources, or (ii) pro bono members of the business community, as it shall deem necessary for the effective development and management of electronic information processing resources.

(c) **Funding.** Subject to the budgetary and fiscal provisions of the Charter, the Board of Supervisors shall provide funds for such staff, personal services and facilities as may be reasonably necessary to enable the Steering Committee to exercise its powers and perform its duties under this ordinance. (Added by Ord. 458-82, App. 9/30/82)

SEC. 3.1. INTRODUCTION AND PUBLICATION OF BUDGET AND ENACTMENT OF INTERIM APPROPRIATION ORDINANCE. The proposed budget and appropriation ordinance for all departments and offices for each ensuing fiscal year shall, upon transmission to the Board of Supervisors by the Mayor of each year, as provided in Section 6.203 of the Charter, be deemed to have been regularly introduced and published as required by law; provided, however, that, for the fiscal year 1980-81, said date shall be June 11th.

Pursuant to Charter Section 6.205, the Board of Supervisors shall, on or before June 30th of each year, enact the appropriation ordinance transmitted by the Mayor as an interim appropriation ordinance; provided, however, that any funds for equipment, capital improvements, new positions of employment, or any other proposed expenditures may be placed in reserve until released by the Board of Supervisors; and provided, further, that said ordinance shall reflect the rates of compensation established pursuant to Charter Sections 8.401, 8.404 and 8.405. (Amended by Ord. 229-80, App. 5/29/80)

SEC. 3.2. PREPARATION AND SUBMISSION OF ADMINISTRATIVE PROVISIONS OF ANNUAL SALARY ORDINANCE AND ENACTMENT OF INTERIM ORDINANCE. The administrative provisions of the annual salary ordinance for each ensuing fiscal year shall be prepared and submitted not later than April 1st by the Civil Service Commission of the Board of Supervisors.

Upon submission thereof to the Board of Supervisors these provisions shall thereupon be automatically referred to the committee of the Board of Supervisors then having jurisdiction over review of the annual budget, pursuant to the rules of order of said Board.

Said committee shall prepare in and report out to the Board of Supervisors not later than the fifteenth day of June an interim annual salary ordinance; provided, however, that for fiscal year 1980-81, said date shall be June 23rd. The Board of Supervisors shall, on or before June 30th of each year, enact an interim annual salary ordinance.

Said ordinance shall reflect the rates of compensation established pursuant to Charter Sections 8.401, 8.404 and 8.405. (Amended by Ord. 229-80, App. 5/29/80)

SEC. 3.3. TRANSMISSION OF PROPOSED BUDGET, ETC., TO COMMITTEE; COMMITTEE'S RETURN AND REPORT. The proposed budget and appropriation ordinance, the detailed estimate of revenues, the Mayor's message and any accompanying budget submission shall, upon receipt by the Clerk of the Board of Supervisors, be transmitted by him or her directly to the committee of the Board of Supervisors currently having jurisdiction pursuant to the Board's rules of order.

Said committee shall prepare in and report out to the Board of Supervisors not later than the fifteenth day of June an interim appropriation ordinance; provided, however, that for fiscal year 1980-81, said date shall be June 23rd.

Said committee shall return the proposed budget, annual appropriation ordinance and annual salary ordinance to the Board of Supervisors with its report thereon no later than the fifteenth day of July; provided, however, that for fiscal year 1980-81, said date shall be the twenty-first day of July. (Amended by Ord. 229-80, App. 5/29/80)

SEC. 3.5. TIME LIMITATIONS FOR APPROVAL OF BUDGET, SALARY AND APPROPRIATION ORDINANCES. The Board of Supervisors shall:

(a) Not later than the thirtieth day of June, finally pass the interim appropriation ordinance and interim annual salary ordinance.

(b) Fix the dates, not less than ten days after receipt from the Mayor and not later than ten twenty-first day of July, for public hearing on the proposed budget and appropriation ordinance.

(c) Not earlier than the fifteenth day of July, meet for its consideration of the proposed budget, annual appropriation ordinance and annual salary ordinance.

(d) Not later than the twenty-first day of July, adopt the budget as proposed by the Mayor, or as amended by the Board of Supervisors.

(e) On or before the twenty-sixth day of July, pass for second reading the annual appropriation ordinance and the annual salary ordinance.

(f) On or before the first day of August, finally pass the annual appropriation ordinance and the annual salary ordinance. (Added by Ord. 378-84, App. 8/31/84)

SEC. 3.7. INFORMATION CONCERNING BUDGET REQUIREMENTS AND RELATED MATTERS. It shall be the duty of any committee of the Board of Supervisors having jurisdiction over annual budget review pursuant to the rules of said Board to keep informed at all times of the budget requirements of the several offices and departments of the City and County for the purpose of discharging its duties. For the purpose of assisting said committee to carry out the intent of this Section, the Controller shall provide the Board of Supervisors with copies of any of the following documents he has prepared pursuant to the provisions of Section 6.301 of the Charter: (1) schedule of allotments, (2) revised estimates of revenues, and (3) adjusted schedule of allotments. For the purpose of further assisting such committee to carry out the intent of this Section, it shall have the power, pursuant to the provisions of Section 2.400 of the Charter, for and on behalf of the Board of Supervisors, to make relevant inquiry of the several offices and departments, and to obtain from them such reports and information as it deems necessary to assist the committee in said purpose, in strict conformity with all the provisions of Sections 2.400 and 2.401 of the Charter. (Amended by Ord. 356-75, App. 8/13/75)

SEC. 3.8. CONTROLLER TO ASSIST CLERK IN PREPARATION OF BUDGET. The Controller is requested to assist the Clerk of the Board of Supervisors in the preparation of the copy required in connection with the publication of the proposed budget as required by Section 6.204 of the Charter. (Res. No. 1706 (1939))

SEC. 3.9. CONTROLLER TO NUMBER CONSECUTIVELY AND CROSS INDEX MASTER BUDGET. The Controller is hereby requested to number consecutively each page of the master budgets, and to provide a cross index for such budgets, indicating the page upon which desired information may be immediately obtained. (Res. No. 1106 (1939))

SEC. 3.10. OFFICES, ETC., TO BE ASSIGNED SEPARATE SECTION NUMBERS IN ANNUAL SALARY ORDINANCE. The Civil Service Commission is requested in submitting the annual salary ordinance, or amendments thereto, to number each of the offices and subdivisions of a department with a separate section number. (Res. No. 3050 (1939))

SEC. 3.11. DEPARTMENT HEADS TO LIST EMPLOYMENTS IN BUDGET ESTIMATES SEPARATELY. Department heads are requested in preparing their budget estimates for personal service, wherein the employments are listed, to list such employments under their jurisdiction separately for each office or subdivision thereof. (Res. No. 3050 (1939))

SEC. 3.12. DEPARTMENTS TO OPERATE WITHIN AMOUNTS BUDGETED. It shall be the policy of the Board of Supervisors that in the future all departments of the City and County shall be required to conduct their departmental operations with such moneys as are provided in the various departmental budgets. (Res. No. 7553 (1939))

SEC. 3.13. APPROPRIATION FOR ADORNMENT OF PROPOSED PUBLIC STRUCTURES. Before proposing a bond issue or making a request for an appropriation for the construction of a building or an addition to a building, the officer, board or commission concerned shall submit the subject matter to the Art Commission for its recommendation as to the amount that should be added thereto for the adornment of the proposed structure with painting, sculpture or other works of art, said amount not to exceed two percent of the gross estimated project cost, exclusive of the items proposed for such adornment.

The Art Commission shall within 60 days after submission forward its recommendation to the officer, board or commission concerned, to the Mayor and to the Board of Supervisors.

Failure of the Art Commission to make a recommendation within such time shall be deemed equivalent to a recommendation that no amount is to be included for adornment.

The Art Commission shall supervise and control the expenditure of all funds appropriated for adornment and may allocate an amount not in excess of five percent of said funds for all necessary and reasonable administrative costs incurred in connection therewith, unless a greater sum is authorized by resolution of the Board of Supervisors.

Nothing in this Section contained shall be construed to limit or abridge the legal powers of the governing boards of the War Memorial, the M.H. de Young Memorial Museum or the California Palace of the Legion of Honor. (Amended by Ord. 30-69, App. 11/16/69)

SEC. 3.14. DEPARTMENT CERTIFICATION REGARDING STATE OR FEDERAL FUNDS. Any officer, board, commission, department or agency which initiates proposed legislation appropriating or contemplating the subsequent appropriation of City and County funds for a specified purpose is hereby required to certify on the proposed ordinance or resolution, after checking with the Controller, whether state or federal funds, in the nature of grants, subventions, participating contributions, or otherwise, are or may be available for said specified purpose. The Board of Supervisors shall not enact or adopt said legislation in the absence of such certification. (Added by Ord. 312-65, App. 12/23/65)

SEC. 3.15. SUPPLEMENTAL APPROPRIATION ORDINANCES. If any supplemental appropriation ordinance, recommended by the Chief Administrative Officer or by any board, commission or elective officer, respectively, subsequent to adoption of the budget for any current or prior fiscal year and prior to the close thereof, contains any item which has been rejected by the Mayor in his or her review of departmental budget estimates for said current or prior fiscal years or which had been rejected by the Board of Supervisors in its consideration of the Mayor's proposed budget for said current or prior fiscal years, the fact of such rejection shall be indicated on said supplemental appropriation ordinance. (Added by Ord. 292-73, App. 8/1/73)

SEC. 3.16. PORT COMMISSION BUDGET PROCEDURE. (a) **Annual Budget.** The budget estimate of the Port Commission shall annually, on or before the first day of March, be filed with the Controller, the Mayor and the Board of Supervisors. Said budget shall set forth the estimated receipts of the Port and revenue from all sources for the ensuing fiscal year and the sums of money necessarily required for the administration of the department in the general categories of wages and salaries, contractual services, materials, supplies, fixed charges, equipment, reconstruction, capital improvements, and bond interest and redemptions, supported by such detail as may be necessary to establish the budgetary allocations. It is intended by the enactment of this ordinance to ensure Port maximum operating autonomy within existing laws.

(b) **Transfer Within Port Budget.** It is recognized that Port operations require a fiscal flexibility not common to governmental operations because of the competitiveness in common carriage by water and marine terminal facilities. Port Commission, subject to the approval of the Controller, is hereby authorized upon due notice at a regular or special meeting to transfer funds surplus in one of the categories set forth above to any of the others during the administration of the then current budget, but this shall not authorize transfer to any item that has been specifically noted as a budget deletion.

The Controller may approve transfer of funds without the approval the Mayor or the Board of Supervisors so long as said expenditures are within the total budget estimate and will not result in a deficit. At the time of request, copies of the request to the Controller for such transfer shall be forwarded to the members of the committee of the Board of Supervisors having jurisdiction over annual budget review pursuant to said Board's rules of order.

(c) **Harbor Revenues.** Harbor revenues shall be deposited in the treasury of the City and County as set forth in Section 6.406 of the Charter. As budgeted, the Harbor Improvement Fund shall be under the management and disbursement of the Port Commission for the current fiscal year on the approval of said budget.

(d) **Harbor Improvement Fund.** The Harbor Improvement Fund is deemed a continuing appropriation and shall be regarded as such for all purposes of fiscal management. (Amended by Ord. 72-80, App. 2/22/80)

SEC. 3.16-1. MAYOR'S ECONOMIC DEVELOPMENT COUNCIL; BUDGET PROCEDURE. The Mayor's Economic Development Council shall submit to the Board of Supervisors a consolidated annual budget for the fiscal year February 1, 1981, through January 31, 1982; and for each such fiscal year thereafter, which shall include all anticipated revenues and estimated expenditures for that period. Said budget shall be submitted jointly with the budget and grant application submitted to the Board of Supervisors by the Mayor's Office of Community Development, and shall be acted upon by the Board of Supervisors in conjunction therewith. (Added by Ord. 282-80, App. 6/17/80)

SEC. 3.17. FILING OF BUDGET ESTIMATES. Pursuant to the provisions of Section 6.205 of the Charter:

(a) Each elective and appointive officer, board or commission, shall, not later than the first day of March of each year, file with the Controller for check as to form and completeness two copies of his or her or its budget estimate approved in accordance with the provisions of Section 6.200 of the Charter.

(b) The Controller shall, not later than the fifteenth day of April of each year, consolidate such budget estimates and transmit the same to the Mayor, together with such other material as is required by Section 6.200 of the Charter; and

(c) The Mayor shall, not later than the first day of June of each year, transmit to the Board of Supervisors consolidated budget estimates, proposed budget, detailed estimate of revenues, and estimates of amounts required to meet bond interest and fixed charges, together with his or her budget message, together with a draft of the annual appropriation ordinance. (Added by Ord. 72-80, App. 2/22/80)

SEC. 3.17-1. BUDGET REVIEW JUSTIFICATION. (a) Each department, board, commission or other agency of the City and County of San Francisco shall prepare for the Mayor's budget office, as part of the annual budget review, detailed program budgets based on 83 percent, 88 percent, 92 percent and 95 percent of the current year's budget. In addition, these departments, boards, commissions and other agencies shall prepare for the Board of Supervisors Budget Review Justifications and Summaries. A separate Budget Review Justification and Summary shall be prepared for each function which is included in the budgetary information provided to the Mayor's budget office. Each Budget Review Justification and Summary shall, on one sheet of paper 8-1/2 inches by 11 inches in size, answer the following questions for budgets based on 75 percent, 83 percent, 88 percent, 92 percent and 95 percent of the current year's budget:

(1) At this level of funding, should this function be continued at all?

(2) At this level of funding what services would be decreased and to what extent?

(3) What alternative methods might be found to achieve the objectives of these functions if funding for these functions is eliminated?

Additional Budget Review Justification and Summaries shall be prepared for any supplemental finding requests. All Budget Review Justification and Summaries shall be provided to the Board of Supervisors no later than the date on which the Mayor's budget or supplemental budget is transmitted to the Board of Supervisors.

(b) The Board of Supervisors shall, as a part of the normal budgetary process, hold public hearings regarding the Budget Review Justifications and Summaries submitted by the departments, boards, commissions and other agencies. (Added by Ord. 550-78, App. 12/22/78)

SEC. 3.17-2. DEPARTMENTAL REPORT OF FEES. (a) No later than the first day of April of each year, the head of each department shall file with the Controller, on forms and in the manner prescribed by the Controller, schedules reflecting the revenues received from each fee collected by said department, the costs incurred in providing the services for which the fee is assessed, the anticipated costs for the ensuing fiscal year and the rates which would be necessary to support such costs for each type of fee.

(b) The Controller shall review the reports and, not later than May 15th, shall file with the Board of Supervisors these schedules, together with his or her comments and recommendations thereon.

(c) Fees regulated by State or Federal law shall be excluded from the provisions of this Section. (Added by Ord. 457-81, App. 9/4/81)

CHAPTER 4**CITY BUILDINGS, EQUIPMENT AND VEHICLES**

- Sec. 4.1. Allocation of Office Space in City Hall and Hall of Justice.
- Sec. 4.1-1. Public Buildings and Grounds; Administration and Protection.
- Sec. 4.1-2. Communication Equipment.
- Sec. 4.2. Installation of Food Vending Machines—Authorized.
- Sec. 4.3. Installation of Food Vending Machines—Arrangement for Space Inside and Outside City Hall.
- Sec. 4.4. Installation of Food Vending Machines—Exceptions.
- Sec. 4.5. Installation of Food Vending Machines—Deposit of Funds.
- Sec. 4.6. Installation of Food Vending Machines—Application of Federal and State Laws; Maintenance in Sanitary Condition.
- Sec. 4.7. Installation of Food Vending Machines—Insurance Against Claims for Damages.
- Sec. 4.8. Installation of Food Vending Machines—Duration of Installation Agreement; Revocation of Agreement.
- Sec. 4.9-1. Installation of Food Vending Machines—Issuance of Permits for Installation at San Francisco General Hospital.
- Sec. 4.10. Use of City Seal on City-owned Passenger Automobiles; Color.
- Sec. 4.10-1. City-owned Vehicles; Assignment; Transfer; Inspection.
- Sec. 4.11. Use of City-owned Vehicles.
- Sec. 4.12. Automobile Pool.
- Sec. 4.13. Automobile Self-insurance.
- Sec. 4.14. Temporary Use of Official Voting Machines.
- Sec. 4.15-1. Authorizing Conduct of Store in Laguna Honda Hospital.
- Sec. 4.16. Safety Belts Required on Vehicles Owned or Used by City.
- Sec. 4.17. Lender of Personal Property to the City for Use on a Trial Basis Required to Save Harmless the City, Officers and Employees for Loss or Injury to Property.
- Sec. 4.18. Lenders of Personal Property to the City for Use on a Trial Basis Required to Save Harmless the City, Officers and Employees for Loss or Injury to Property—Approval of Purchaser of Supplies.
- Sec. 4.19. Use of City Property.

SEC. 4.1. ALLOCATION OF OFFICE SPACE IN CITY HALL AND HALL OF JUSTICE. The Director of Property shall have charge of the allocation of office space in City Hall and Hall of Justice. Any department or office requiring additional office space in City Hall or Hall of Justice shall make application therefor to the Director of Property. Departments and officers in charge of other public buildings may transfer control of any office space to the Director of Property, who shall thereafter be in charge thereof, until requested to retransfer such space. Any assignment of office space or any proposed remodeling of any of the foregoing properties, while under the control of the Director of Property, shall require the approval of the Chief Administrative Officer and the cost of remodeling shall be subject to the provisions of the annual or supplementary appropriation ordinances. (Ord. No. 6329 (1939), Sec. 1)

SEC. 4.1-1. PUBLIC BUILDINGS AND GROUNDS; ADMINISTRATION AND PROTECTION. The Chief Administrative Officer shall have charge of all public buildings and grounds of the City and County not otherwise under the jurisdiction and control of an officer, board or commission of said City and County, and shall have the power to prescribe rules and regulations for the administration and protection of any of said buildings and grounds.

Copies of any rule or regulation prescribed by the Chief Administrative Officer pursuant to the provisions of this section shall be posted in a conspicuous place in the public building or grounds to which said rule or regulation apply. (Added by Ord. 88-72, App. 4/7/72)

SEC. 4.1-2. COMMUNICATION EQUIPMENT. A portable communication system shall be located at all times in City Hall; shall only be used for official purposes; and shall be operated only by City and County officers or employees. The system shall be securely stored in the office of the Mayor and may be released for use only upon the written authorization of the Mayor, Chief Administrative Officer, President of the Board of Supervisors, Chief of Police or Fire Chief. The system shall at all times be maintained by the Mayor in proper operating condition. (Added by Ord. 112-80, App. 3/28/80)

SEC. 4.2. INSTALLATION OF FOOD VENDING MACHINES — AUTHORIZED. The head of any department in charge of improved city property, a building or space therein, excepting space inside and outside of offices in City Hall, may, when such arrangements seem to him or her desirable from the standpoint of both the department's operations and the welfare of the employees, and with the approval of the Chief Administrative Officer, board or commission concerned, arrange through the Purchaser of Supplies for the installation of stands dispensing food products or for the installation of machines or stands dispensing candy, gum, popcorn, peanuts, tobacco products, newspapers, periodicals and soft beverages. (Ord No. 6562 (1939), Sec. 1)

SEC. 4.3. INSTALLATION OF FOOD VENDING MACHINES — ARRANGEMENT FOR SPACE INSIDE AND OUTSIDE CITY HALL. The Director of Property shall have the exclusive right, with the approval of the Chief Administrative Officer, to arrange for the installation of the machines mentioned in the preceding section and for space in City Hall, both inside and outside of offices. Such arrangements shall be made through the City Purchaser. (Ord. 6562 (1939), Sec. 2)

SEC. 4.4. INSTALLATION OF FOOD VENDING MACHINES — EXCEPTIONS. The Public Utilities Commission, the Recreation and Park Commission and the Board of Trustees of the War Memorial shall have the exclusive right to arrange for the installation of the machines mentioned in Section 4.2 of this Code and for space under their respective jurisdictions. (Ord. No. 6562 (1939), Sec. 3)

SEC. 4.5. INSTALLATION OF FOOD VENDING MACHINES — DEPOSIT OF FUNDS. Except as provided in Section 4.9 of this Code, all funds

received from the operation of the installations provided by the three preceding sections shall be deposited in the city treasury, to the credit of the funds of the department. (Ord. No. 6562 (1939), Sec. 4)

SEC. 4.6. INSTALLATION OF FOOD VENDING MACHINES — APPLICATION OF FEDERAL AND STATE LAWS; MAINTENANCE IN SANITARY CONDITION. All federal and state laws and regulations and all local ordinances and regulations, applicable to the installation and maintenance of vending machines as provided by the four preceding sections, and the products offered for sale therein, shall be complied with by the person furnishing such installation. All such machines, and the products for sale therein, shall be installed and maintained in a sanitary condition. (Ord. No. 6562 (1939), Sec. 5)

SEC. 4.7. INSTALLATION OF FOOD VENDING MACHINES — INSURANCE AGAINST CLAIMS FOR DAMAGES. In every case of installation and maintenance of vending machines, the City and County shall be protected by satisfactory insurance against any claim for damages in connection therewith and the articles offered for sale therein.

Such insurance shall be in such form and amount satisfactory to the contracting officer. (Ord. No. 6562 (1939), Sec. 6)

SEC. 4.8. INSTALLATION OF FOOD VENDING MACHINES — DURATION OF INSTALLATION AGREEMENT; REVOCATION OF AGREEMENT. No agreement covering a vending machine installation shall bind the City and County beyond the end of the fiscal year in which the agreement is executed. Any such agreement shall be revocable by the City and County for cause, without notice, and without cause on 30 days' notice. (Ord. No. 6562 (1939), Sec. 7)

SEC. 4.9-1. INSTALLATION OF FOOD VENDING MACHINES — ISSUANCE OF PERMITS FOR INSTALLATION AT SAN FRANCISCO GENERAL HOSPITAL. Permits for the installation of vending machines may also be issued to the Volunteer Auxiliary to San Francisco General Hospital. No charge shall be made for such permit, nor shall there be any rental or other charge in connection with the operation of such machines by the Volunteer Auxiliary. The Director of Public Health shall have the exclusive right, with the approval of the Chief Administrative Officer, to arrange through the Purchaser of Supplies for the installation of said machines. The net proceeds from the operation and sales from such vending machines shall be used only for the benefit of patients at said hospital as approved by the Director of Public Health. It is further provided that the net proceeds shall be expended for the purposes set forth herein not later than June 30th of the succeeding fiscal year. Any remaining funds not so expended, if any, shall be deposited in the city treasury to the credit of the Department of Public Health not later than 60 days after the close of said fiscal year. It is provided further that said Volunteer Auxiliary shall file an annual report with the Chief Administrative Officer on forms approved by the Controller. Said forms shall state the proceeds received, the disbursements thereof and the purposes for which the proceeds have been expended.

Installation pursuant to the provisions of this Section may be made for any of the items specified in Section 4.2 of this Code and for any other items approved by the Director of Public Health. (Amended by Ord. 47-67, App. 2/9/67)

SEC. 4.10. USE OF CITY SEAL ON CITY-OWNED PASSENGER AUTOMOBILES; COLOR. Required. Every passenger automobile, title to which is vested in the City and County, shall have imprinted in a conspicuous place upon its side in appropriate colors and lettering, not less than six inches in diameter, a replica of the corporate seal of the City and County. Passenger automobiles shall be uniform in color, as determined by the Purchaser of Supplies with the approval of the Chief Administrative Officer.

Imprinting Seal On New Automobiles. When any passenger automobile is purchased or acquired for the use of any department of the government of the City and County, the same shall be delivered to the Purchaser of Supplies at such place as may be designated by the Purchaser and it shall be the duty of the Purchaser to have imprinted on the automobile in a conspicuous place on its side in appropriate colors and lettering, not less than six inches in diameter, a replica of the corporate seal of the City and County. The Purchaser of Supplies shall not deliver to any department or official any city-owned passenger automobile until the replica of the corporate seal of the City and County is imprinted thereon.

Exceptions. The Chief Administrative Officer shall have the authority to exempt any automobile from the provisions of this section; provided, however, that the Chief Administrative Officer shall not exempt any automobile from the necessity of having a seal affixed thereon, unless the automobile is used for special investigation and inspection work by the Police and Fire Departments or any other department that might require the use of an automobile without a seal for such purpose. (Amended by Ord. 497-77, App. 11/4/77)

SEC. 4.10-1. CITY-OWNED VEHICLES; ASSIGNMENT; TRANSFER; INSPECTION. (a) The Purchaser of Supplies is hereby authorized, subject to the approval of the Chief Administrative Officer, to: (1) assign any vehicle purchased by him or her pursuant to the provisions of the annual appropriation ordinance to a department head for use by his or her department in accordance with the provisions of Section 4. 10-1 (b) and Section 4.11 of this Code; (2) transfer any vehicle assigned to, or under the jurisdiction of, any City and County department.

(b) Each year the Purchaser of Supplies shall inspect each vehicle which has been in service for six years or has been driven more than 60,000 miles and based upon the condition, usage, and maintenance and repair history of the vehicle, recommend its retention, transfer or replacement. (Added by Ord. 497-77, App. 11/4/77)

SEC. 4.11. USE OF CITY-OWNED VEHICLES. (a) Vehicles owned, leased or rented by the City and County and assigned to, or under the jurisdiction of, any department of the City and County, shall be used only in the discharge and transaction of municipal business. No officer, employee or authorized volunteer of the City and County shall use any such vehicle without the consent of the head of such department. The Purchaser of Supplies shall not assign any such vehicle to any

individual officer or employee unless a written request justifying the need for personal assignment is made by the head of such department and approved by the Chief Administrative Officer.

(b) No vehicle owned, leased or rented by the City and County and assigned to, or under the jurisdiction of, any department of the City and County shall be used for transportation to and from an employee's place of residence except as provided below:

(1) The employee resides in or both resides and works outside of the City and County and is on call for work after his or her normal workday is completed and the nature of the work has required the use of a City and County vehicle after hours on at least five occasions in the preceding 12-month period; or,

(2) The employee resides in or both resides and works outside of the City and County and must leave his or her residence prior to 8:00 a.m. on City and County business away from his or her normal place of work; or,

(3) The employee resides in or both resides and works outside of the City and County and would return to his or her normal place of work from an appointment on City and County business after 6:00 p.m. or on a weekend; or

(4) The employee is a member of the San Francisco Police Department, San Francisco Sheriff's Department, or San Francisco Department of Emergency Services, and has the prior written permission of the department head to use a vehicle equipped with emergency equipment for such purpose, subject to such restrictions and regulations as the Chief of Police, Sheriff or Director of Emergency Services may provide for the respective departments. The departments shall keep detailed records of all vehicles used pursuant to this paragraph; said records shall be open to inspection by the Office of the Mayor and the Board of Supervisors; and provided further that the number of vehicles so exempted shall not exceed:

San Francisco Police Department	33
San Francisco Sheriff's Department	5
San Francisco Department of Emergency Services	2

(c) **Penalty.** Any employee violating the provisions of this section shall pay to the City and County an amount equal to three times the City and County's mileage reimbursement rate times the number of miles driven in violation hereof.

(d) Except as otherwise provided by ordinance, an authorized volunteer, while operating a motor vehicle owned by the City and County pursuant to authorization by the head of the department to which said vehicle is assigned or which has jurisdiction over said vehicle, shall be deemed to be an employee of the City and County solely for purposes of California Vehicle Code Section 17001 and Division 3.6 of Title 1 of the Government Code of the State of California, and for no other purpose; provided, however, that nothing herein contained shall be deemed to permit the authorization to operate a motor vehicle owned, leased or rented by the City and County contrary to the provisions of the Vehicle Code of the State of California. (Amended by Ord. 562-79, App. 11/16/79)

SEC. 4.12. AUTOMOBILE POOL. Power To Establish. Pursuant to the authority vested in the Board of Supervisors by the provisions of Section 2.101 of the Charter, there is hereby conferred upon the Purchaser of Supplies the power to establish, maintain and operate an automobile pool, the location of which shall be subject to the approval of the Board of Supervisors by resolution, from which there

shall be made available to authorized officers and employees of the City and County, as needed, such vehicular passenger transportation as may be requisite for the proper performance of their official duties.

Regulations. The requisition and operation of vehicles assigned to the automobile pool, and all related matters incidental to the maintenance and operation of the pool, shall be prescribed by written regulations promulgated by the Purchaser of Supplies, with the approval of the Chief Administrative Officer and the Board of Supervisors.

Assignment of Vehicles to Pool. Vehicles now or hereafter allocated to any department of the City and County shall be transferred from the jurisdiction thereof to the jurisdiction of the Purchaser of Supplies for assignment to and use in the automobile pool, whenever such transfer shall be authorized and directed by resolution of the Board of Supervisors. (Ord. No. 6820 (1939), Secs. 1 to 3)

SEC. 4.13. AUTOMOBILE SELF-INSURANCE. The City and County insures its officers against liability, other than a liability which may be insured against under the provisions of Division 4 of the Labor Code of the State of California, for injuries or damages resulting from their negligence or carelessness in the operation, during the course of their service or employment and within the scope of their duties to the City and County in such service or employment, of any motor vehicle which is owned by the City and County or which is rented by the City and County from any person other than an officer of the City and County.

Such insurance, so far as it is not effected by contract with any insurer authorized to transact such insurance in the State of California, whether contracted for by the City and County directly or through a contractor, shall be deemed to be self-insurance of the City and County.

A motor vehicle, as used in this Section, is a vehicle which is self-propelled, within the meaning of such term as used in the Vehicle Code of the State of California.

Officer or officers, as used in this Section, shall include any deputy, assistant or employee of the City and County, acting within the scope of his or her office or employment in the operation of any such motor vehicle, within the meaning of Section 1980, Subdivision (c) of the Government Code of the State of California, except as otherwise provided.

Liability, as used in this Section, shall be liability of an officer for injury or damages resulting from such negligence or carelessness in such operation of such a motor vehicle within the meaning of the term liability, as used in Section 1956 of the Government Code of the State of California. (Ord. No. 5060 (1939), Sec. 1)

SEC. 4.14. TEMPORARY USE OF OFFICIAL VOTING MACHINES. Pursuant to the provisions of Section 1.101 of the Charter, defining powers vested in the City and County, and the provisions of Section 2.101 of the Charter, defining powers vested in the Board of Supervisors, the Director of Finance and Records is hereby empowered and authorized to permit the temporary use of official voting machines by agencies and organizations making application therefor, subject to the following conditions:

Application. Application for the temporary use of one or more official voting machines shall be filed with the Registrar of Voters on application forms furnished by the Registrar of Voters, and shall set forth such information as may be required by the Director of Finance and Records.

Insurance or Bond Required. Prior to releasing custody of any official voting machine for which an application for temporary loan has been made, the Director of Finance and Records shall require the applicant to furnish to the City and County a policy of insurance or a bond sufficient in form and amount to indemnify the City and County against loss of or damage to the voting machine. Such insurance or bond shall be approved as to form by the City Attorney; and shall be in such amount as shall be acceptable to the Controller, the Chief Administrative Officer and the Director of Finance and Records.

Fees. A fee shall be charged for the temporary use of each official voting machine pursuant to the provisions of this Section, the fee to be sufficient in amount to cover all costs incidental to the use, including transportation and replacing of the machines in complete working order for official elections. A schedule of the fees shall be proposed by the Director of Finance and Records and shall be approved by the Controller and the Chief Administrative Officer.

Inapplicability of Section. The provisions of this Section shall not be applicable to the temporary loan of official voting machines to the properly constituted authorities in charge of public and parochial educational institutions within the City and County for use therein, and the Director of Finance and Records is hereby vested with the power to effect such temporary loans on such terms as may be acceptable to him or her. (Ord. No. 4770 (1939), Sec. 1)

SEC. 4.15-1. AUTHORIZING CONDUCT OF STORE IN LAGUNA HONDA HOSPITAL. The Administrator of Laguna Honda Hospital is hereby authorized to conduct a store or stores within the confines of said institution for the sale of candies, soft drinks and other food stuffs, tobacco, and sundries, subject to the following conditions:

(a) The Administrator of Laguna Honda Hospital shall supervise the management and operation of the store. He or she shall be the custodian or shall appoint from the hospital staff a custodian of all funds, merchandise, property, and equipment of said store.

(b) The Administrator shall be authorized to collect and deposit all proceeds from the store sales in a bank or banks as he or she may select.

(c) The Administrator and his or her representative may draw checks on the bank accounts for the purchase of materials, supplies, equipment, contractual services, and other obligations properly charged to the store operation.

(d) The Administrator shall be authorized to assign personnel from other services within the hospital to operate the store, as required.

(e) The Administrator is also authorized to install vending machines with the approval of the Director of Public Health and the City Purchaser in various locations throughout the hospital for the convenience of the patients, visitors, and employees.

(f) Proceeds from the sales of said vending machines shall be deposited in the store fund.

(g) The net proceeds arising from the operation of the store and vending machines shall be used upon the recommendation of the Administrator of Laguna Honda Hospital and the approval of the Director of Public Health for such things as may be for the general welfare of the patients of Laguna Honda Hospital, directly or indirectly, which are not provided for them by other appropriations.

(h) An annual audit shall be made of the store's operations by the Controller, and the cost of said audit shall be charged to the store receipts. (Added by Ord. 81-67, App. 3/27/67)

SEC. 4.16. SAFETY BELTS REQUIRED ON VEHICLES OWNED OR USED BY CITY. Subject to the budget and fiscal provisions of the Charter, motor vehicle safety seat belts for the protection of driver and passengers in the front seat shall be installed and used on all city/county-owned or city/county-rented emergency or passenger motor vehicles, including those operated on the basis of reimbursement for mileage traveled, and on such other motor vehicles or special mobile equipment as may be determined by each department head. This Section shall not apply to public passenger vehicles operated by the Municipal Railway. (Added by Ord. 10-63, App. 1/21/63)

SEC. 4.17. LENDERS OF PERSONAL PROPERTY TO THE CITY FOR USE ON A TRIAL BASIS REQUIRED TO SAVE HARMLESS THE CITY, OFFICERS AND EMPLOYEES FOR LOSS OR INJURY TO PROPERTY. Every person, firm or corporation who loans or contracts to loan equipment or other personal property to the City and County of San Francisco for use on a trial basis must save, hold, keep harmless and exempt the City and County and its officers and employees from and against all claims, actions and liability arising out of loss, theft or destruction of, or injury or damage to, said personal property from every cause whatsoever, including negligent act or omission of said City and County or its officers or employees while said property is in the possession or control of the City and County of San Francisco. (Added by Ord. 117-64, App. 5/4/64)

SEC. 4.18. LENDERS OF PERSONAL PROPERTY TO THE CITY FOR USE ON A TRIAL BASIS REQUIRED TO SAVE HARMLESS THE CITY, OFFICERS AND EMPLOYEES FOR LOSS OR INJURY TO PROPERTY — APPROVAL OF PURCHASER OF SUPPLIES. No person, firm or corporation shall loan equipment or other personal property to the City and County or any officer or employee thereof for the use of the City and County on a trial basis, and no department, officer or employee of the City and County is authorized to use, accept, possess or receive for or on behalf of the City and County, any article of equipment or other personal property for use on a trial basis without the prior approval of the Purchaser of Supplies and, unless and until the owner of said equipment or personal property shall first execute, sign and deliver to the head of the department in which said equipment or personal property is to be so used, an agreement in writing, in a form to be first approved by the City Attorney, that the owner of said equipment or other personal property shall hold harmless and exempt the City and County of San Francisco and its officers and employees as provided in Section 4.17 of this Code. (Added by Ord. 117-64, App. 5/4/64)

SEC. 4.19. USE OF CITY PROPERTY. Real and personal property belonging to, or subject to the control of, any City and County department, board, commission or authority shall only be used to advance or promote public programs or other purposes which have been duly authorized by the appropriate public agency. Upon finding that a City and County official or employee has engaged in activities prohibited by this Section, that official or employee shall be subject to disciplinary action in accordance with the applicable provisions of the Charter. (Added by Ord. 7-86, App. 1/17/86)

CHAPTER 5

COMMITTEES

ARTICLE I

FEDERAL LEGISLATION COMMITTEE

- Sec. 5.1. Federal Legislation Committee Created.
- Sec. 5.1-1. Federal Legislation Committee Created—Duties.
- Sec. 5.1-2. Federal Legislation Committee Created—Membership.
- Sec. 5.1-3. Federal Legislation Committee Created—Meetings.
- Sec. 5.1-4. Federal Legislation Committee Created—Executive Secretary of Mayor to be Secretary of Committee.
- Sec. 5.1-5. Federal Legislation Committee Created—Action on Recommendations.
- Sec. 5.1-6. Federal Legislation Committee Created—Board of Supervisors Establish Policy.

ARTICLE II

ADVISORY COMMITTEE ON REGIONAL SERVICE

- Sec. 5.2. Created; Composition.
- Sec. 5.3. Duties Generally.
- Sec. 5.4. Powers Generally.

ARTICLE III

STATE LEGISLATION COMMITTEE

- Sec. 5.5. Created; Consideration of Pending State Legislation.
- Sec. 5.6. Duty to Study Proposals and Make Recommendations.
- Sec. 5.7. Composition; Chairman.
- Sec. 5.8. Meetings.
- Sec. 5.9. Report of Proceedings.
- Sec. 5.10. Action by Committee in Absence of Action by Board of Supervisors.
- Sec. 5.11. Establishment of Policy Without Reference to Committee.

ARTICLE IV

WATER POLLUTION CONTROL

- Sec. 5.20. Interdepartmental Committee on Water Pollution Control.
- Sec. 5.21. Interdepartmental Committee on Water Pollution Control—Meetings.

- Sec. 5.22. Interdepartmental Committee on Water Pollution Control—Duties.

ARTICLE V NOISE CONTROL

- Sec. 5.40. Task Force on Noise Control—Created.
Sec. 5.40-1. Task Force on Noise Control—Additional Member; Appointment.

ARTICLE VI COMMISSION ON THE AGING

- Sec. 5.50. Definitions.
Sec. 5.51. Establishment of Commission; Appointment; Terms; Executive Director; Meetings; Compensation.
Sec. 5.52. Commission Designated Area Agency on Aging.
Sec. 5.53. Powers and Duties of the Commission.
Sec. 5.54. Advisory Council.

ARTICLE VII STREET UTILITIES COORDINATING COMMITTEE AND CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION

- Sec. 5.60. Street Utilities Coordinating Committee.
Sec. 5.61. Street Utilities Coordinating Committee—Meetings.
Sec. 5.62. Street Utilities Coordinating Committee—Duties.
Sec. 5.63. Street Utilities Coordinating Committee—Subcommittees.
Sec. 5.64. Citizens Advisory Committee for Street Utility Construction.
Sec. 5.65. Citizens Advisory Committee for Street Utility Construction—Meetings.
Sec. 5.66. Citizens Advisory Committee for Street Utility Construction—Duties.
Sec. 5.69. Use of Legal Names by Candidates.

ARTICLE VIII BALLOT SIMPLIFICATION COMMITTEE

- Sec. 5.70. Establishment; Composition; Appointment; Qualifications; Terms; Vacancies; Chairman.
Sec. 5.71. Powers and duties.
Sec. 5.71-1. Meetings.
Sec. 5.72. Digest of Measures; Standards; Readability Level.
Sec. 5.73. Digest of Measures; Format.
Sec. 5.73-1. Controller's Financial Analysis.
Sec. 5.73-2. City Attorney's Statement or Question.
Sec. 5.74. Submission of Arguments; Advertising.
Sec. 5.74-1. Petition in Lieu of Printing Fee.

- Sec. 5.75. Arguments; Length; Signature.
- Sec. 5.76. Arguments; Review.
- Sec. 5.77. Arguments Submitted by the Mayor or Board of Supervisors.
- Sec. 5.77-1. Placement of Arguments on Ballot.
- Sec. 5.77-2. Deadlines for Submission of Ballot Measures and Initiative Petitions.
- Sec. 5.78. Ballot Pamphlet; Format.
- Sec. 5.79. Ballot Pamphlet; Contents.
- Sec. 5.79-1. Ballot Pamphlet to Contain Information on English Language Classes.
- Sec. 5.80. Contents as to Measures.
- Sec. 5.81. Establishment; Appointment; Terms; Vacancies; Chair.
- Sec. 5.82. Powers and Duties.
- Sec. 5.83. Reports.
- Sec. 5.84. Meetings.
- Sec. 5.85. Complaints; Enforcement.

**ARTICLE IX
OPEN SPACE/PARK RENOVATION CITIZENS ADVISORY
COMMITTEE**

- Sec. 5.90. Establishment; Composition; Appointment; Qualifications; Terms; Selection of Staff.
- Sec. 5.91. Powers and Duties

**ARTICLE X
APPEALS BOARD**

- Sec. 5.92. Appeals Board; Establishment; Composition; Purpose.
- Sec. 5.93. Apointments; Qualifications; Terms; Vacancies; Compensation.
- Sec. 5.94. Powers and Duties; Finality.

**ARTICLE XI
VETERANS' AFFAIRS COUNCIL**

- Sec. 5.100. Creation of Council.
- Sec. 5.101. Purpose.
- Sec. 5.102. Membership.
- Sec. 5.103. Organization and Terms of Office.
- Sec. 5.104. Powers and Duties.
- Sec. 5.105. Report.
- Sec. 5.106. Meetings.
- Sec. 5.107. Rules and Regulations.

**ARTICLE XII
NATIONAL GUARD ADVISORY COUNCIL**

- Sec. 5.110. Establishment and Purpose.

- Sec. 5.111. Membership.
- Sec. 5.112. Terms of Office; Council Presidency; Compensation.
- Sec. 5.113. Powers and Duties.
- Sec. 5.114. Meetings.
- Sec. 5.115. Rules and Regulations.

ARTICLE XIII

BUREAU FOR SMALL BUSINESS AND SMALL BUSINESS ADVISORY COMMISSION

- Sec. 5.120. Declaration of Purpose of Bureau.
- Sec. 5.121. Establishment of the Mayor's Bureau for Small Business.
- Sec. 5.122. Small Business Advisory Commission.

ARTICLE 1

FEDERAL LEGISLATION COMMITTEE

SEC. 5.1. FEDERAL LEGISLATION COMMITTEE CREATED. Any proposal for the enactment of legislation affecting in any way the interest or welfare of the City and County, which is pending before the Congress of the United States or which may be considered for presentation to the said congress, shall be initiated by or referred to a committee, hereby created, which shall be designated as the Federal Legislation Committee of the City and County of San Francisco. (Amended by Ord 148-59, App. 3/15/59)

SEC. 5.1-1. FEDERAL LEGISLATION COMMITTEE CREATED — DUTIES. It shall be the duty of the Federal Legislation Committee to study all such proposals, and to formulate recommendations for endorsement, opposition or neutrality with respect thereto, as matters of policy of the City and County of San Francisco. (Amended by Ord. 148-59, App. 3/15/59)

SEC. 5.1-2. FEDERAL LEGISLATION COMMITTEE CREATED — MEMBERSHIP. The members of the Federal Legislation Committee shall be, ex officio, the following officials, or the duly authorized representative of any of them: the Mayor who shall act as chair, the City Attorney, the Chief Administrative Officer, the Controller, the Assessor, the President of the Board of Supervisors, the chair of the Civil Service and General Administration Committee of the Board of Supervisors; and a representative of the Public Utilities Commission, designated by said commission. (Amended by Ord. 142-83, App. 3/25/83)

SEC. 5.1-3. FEDERAL LEGISLATION COMMITTEE CREATED — MEETINGS. Places, dates and times of meetings of the Federal Legislation Committee shall be prescribed by the chair. (Amended by Ord. 148-59, App. 3/15/59)

SEC. 5.1-4. FEDERAL LEGISLATION COMMITTEE CREATED — EXECUTIVE SECRETARY OF MAYOR TO BE SECRETARY OF COMMITTEE. The Executive Secretary to the Mayor shall be Secretary of the Federal Legislation Committee, shall attend each meeting of said committee, and shall submit to the Board of Supervisors and the Federal Legislative representative a report of the proceedings of each regular or special meeting of said committee and the recommendations made thereat, not later than the next regular business day following such meeting. (Amended by Ord. 148-59, App. 3/15/59)

SEC. 5.1-5. FEDERAL LEGISLATION COMMITTEE CREATED — ACTION ON RECOMMENDATIONS. The Board of Supervisors by resolution may take such action upon any recommendation of the Federal Legislation Committee as it deems necessary or desirable. In the absence of any such action by the Board of Supervisors, the Federal Legislative Representative is hereby authorized to take suitable action consonant with any such recommendation of the Federal Legislation Committee as the policy of the City and County. (Amended by Ord. 148-59, App. 3/15/59)

SEC. 5.1-6. FEDERAL LEGISLATION COMMITTEE CREATED — BOARD OF SUPERVISORS ESTABLISH POLICY. Nothing herein shall preclude the Board of Supervisors from establishing policy with respect to any matter of proposed federal legislation without reference to or report from the Federal Legislation Committee, if, in the board's discretion, such reference or report is inadvisable or inexpedient. (Amended by Ord. 148-59, App. 3/15/59)

ARTICLE II

ADVISORY COMMITTEE ON REGIONAL SERVICE

SEC. 5.2. CREATED; COMPOSITION. The Advisory Committee on Regional Service is hereby created, which committee shall consist of the following:

The Mayor, Chief Administrative Officer, Controller, Manager of Utilities, Agricultural Commissioner, City Attorney, Director of Public Health, Superintendent, Agricultural and Land Division, San Francisco Water Department (such persons may designate, by written document filed with the committee, an assistant to attend meetings and to act for them in their place), the President of the Board of Supervisors, two members of the Board of Supervisors appointed by the President of the Board of Supervisors, State Legislative Representative, and two members appointed by the Chief Administrative Officer. (Res. No 1106-58)

SEC. 5.3. DUTIES GENERALLY. It shall be the duty of the Advisory Committee on Regional Service to act as may be necessary in its judgment to:

(a) Establish and maintain better relationships between the City and County and the rural, neighboring metropolitan and suburban areas which constitute the city's trade area;

(b) Improve the services rendered by the City and County to the trade area, enlisting the cooperation of the citizens in the discharge of the City and County's obligations to the region; and

(c) Inaugurate or participate in activities designed to contribute to the prosperity of the entire region. (Res. No 1106-58)

SEC. 5.4. POWERS GENERALLY. Increase Membership. The Advisory Committee on Regional Service shall have the power, by majority vote of the entire committee, to increase the membership of its committee when it is deemed necessary.

Chair's Attendance of Meetings. The chair of the committee, or any person designated by him or her, is authorized and empowered to attend any conference or public or quasi-public meeting where there may be under discussion or consideration any matter having to do with the stated responsibilities of the committee.

Incurring Obligations. Subject to the provisions of Section 6.302 of the Charter, the Committee shall have the power to incur obligations to carry out the purpose of this Article out of such funds as may be appropriated or set aside for such purposes. (Res. No. 1106-58)

ARTICLE III

STATE LEGISLATION COMMITTEE

SEC. 5.5. CREATED; CONSIDERATION OF PENDING STATE LEGISLATION. Any proposal for the enactment of legislation affecting in any way the interests or welfare of the City and County, which is pending before the State Legislature or which may be considered for presentation to the Legislature, shall be initiated by or referred to a committee, hereby created, which shall be designated as the State Legislation Committee of the City and County. (Ord. No. 8308 (1939), Sec 1)

SEC. 5.6. DUTY TO STUDY PROPOSALS AND MAKE RECOMMENDATIONS. It shall be the duty of the State Legislation Committee to study all proposals enumerated in the preceding section and to formulate recommendations for endorsement, opposition or neutrality with respect thereto, as matters of policy of the City and County. (Ord. No. 8308 (1939), Sec. 2)

SEC. 5.7. COMPOSITION; CHAIRMAN. The members of the State Legislation Committee shall be the Mayor, who shall act as chair, the City Attorney, the Chief Administrative Officer, two members of the Board of Supervisors to be designated by the President of the Board of Supervisors, the Controller, the Assessor and the Treasurer.

Each of the above-named members may designate a duly authorized representative to attend the meeting in his or her absence. (Amended by Ord. 245-78, App. 5/26/78)

SEC. 5.8. MEETINGS. Places, dates and times of meetings of the State Legislation Committee shall be prescribed by the chair. (Ord. No. 8308 (1939), Sec. 4)

SEC. 5.9. REPORT OF PROCEEDINGS. A report of the proceedings of each regular or special meeting of the State Legislation Committee and the recommendations made thereat shall be submitted to the Board of Supervisors not later than the next regular business day following such meeting. (Added by Ord. 245-78, App. 5/26/78)

SEC. 5.10. ACTION BY COMMITTEE IN ABSENCE OF ACTION BY BOARD OF SUPERVISORS. The Board of Supervisors, by resolution, may take such action upon any recommendation of the State Legislation Committee as it deems necessary or desirable, but in the absence of any such action by the Board of Supervisors, the State Legislative Representative is hereby authorized to take suitable action consonant with any such recommendation of the State Legislation Committee as the policy of the City and County. (Ord. No. 8308 (1939), Sec. 6)

SEC. 5.11. ESTABLISHMENT OF POLICY WITHOUT REFERENCE TO COMMITTEE. Nothing contained in this Article shall preclude the Board of Supervisors from establishing policy with respect to any matter of proposed state legislation, without reference to or report from the State Legislation Committee, if in the Board's discretion such reference or report is inadvisable or inexpedient. (Ord No. 8308 (1939), Sec. 7)

ARTICLE IV

WATER POLLUTION CONTROL

SEC. 5.20. INTERDEPARTMENTAL COMMITTEE ON WATER POLLUTION CONTROL. The Interdepartmental Committee on Water Pollution Control is hereby created. The members shall be, ex officio, the Director of Public Works, who is to act as chair, the Director of Public Health, the Director of Planning, the General Manager of the Recreation and Park Department, and the General Manager of Public Utilities. Any member may delegate a subordinate within his or her respective department to represent him or her at any meeting of the committee in his or her absence. (Added by Ord. 137-65, App. 6/3/65)

SEC. 5.21. INTERDEPARTMENTAL COMMITTEE ON WATER POLLUTION CONTROL — MEETINGS. Places, dates, and times of meetings of the Interdepartmental Committee on Water Pollution Control shall be prescribed by the chair. (Added by Ord. 137-65, App. 6/3/65)

SEC. 5.22. INTERDEPARTMENTAL COMMITTEE ON WATER POLLUTION CONTROL — DUTIES. Duties of the Interdepartmental Committee on Water Pollution Control shall include formulation and recommendation of policy statements for consideration by the Board of Supervisors in all matters of

water pollution control in and appurtenant to that portion of the City and County of San Francisco which drains into San Francisco Bay and the Pacific Ocean, or from any area under the jurisdiction of the City and County of San Francisco; and maintenance of close liaison and communication with all agencies of other governmental entities concerned with local or area-wide aspects of water pollution control. (Added by Ord. 137-65, App. 6/3/65)

ARTICLE V

NOISE CONTROL

SEC. 5.40. TASK FORCE ON NOISE CONTROL — CREATED. There is hereby created a Task Force on Noise Control composed of the department heads, or their designated deputies, of the following departments of the City and County of San Francisco: Public Works, Public Health, City Planning, Public Utilities, Police, Fire and Airports; and 15 persons to be appointed by the Board of Supervisors, four of whom shall be recommended by the Chief Administrative Officer, and shall be of related technical fields. The remaining 11 appointees shall be broadly representative of neighborhood, environmental, labor, business and construction, health, educational, and planning organizations of the community. With the exception of the aforementioned departmental heads or their designated deputies and the four appointees from related technical fields, the members of the Task Force on Noise Control shall be residents of the City and County of San Francisco at the time of their appointment and during their incumbency in office as members of said task force. The task force shall appoint a chair from among its members who are not department heads or their designated deputies

The Task Force on Noise Control is hereby assigned the following purposes and functions:

(a) To perform liaison functions among branches of city government, independent authorities, and state and federal agencies operating within the City and County, and between City and County government and the business community; and to recommend means for cooperation between public agencies and private enterprise to make San Francisco a quieter city;

(b) To undertake a comprehensive survey of noise in the City and County, including City and County-owned fixed sources and the investigation of existing acoustical levels in various areas of the City and County; the determination of major sources of noise; establishing cumulative and temporal noise characteristics from multiple sources; determining the contribution of major noise sources to the total noise level; and investigating the influence of architectural forms such as site utilization, choice of materials, and building shape on noise levels;

(c) To maintain supervision of noise conditions in the City and County by setting up a continuous monitoring system to provide noise indices for various sections of the City and County; receiving, analyzing, and preparing a regular summary of public complaints, both specific and general; encouraging public interest and participation in the development of effective noise abatement programs and considering establishment of an inspection system with a staff of trained inspectors in the use of noise measuring instruments and noise data for the purpose

of responding to public complaints, checking City and County and private machines and vehicles; and otherwise assisting in establishment of procedures for the enforcement of the regulations controlling noise; and

(d) To submit, on a date 24-months after the effective date of this Section, a report of its findings and its recommendations pertaining to:

(1) Kinds of leadership, including legislative action, which the City and County should provide in ridding the City and County of noise problems,

(2) Standards by which noise limits may be set, regulations may be developed, and controls may be enforced throughout the City and County,

(3) Means for preventing new noise sources, including methods whereby the City and County administration must use its purchasing power to insure that new equipment and replacements that it buys for its own use incorporate noise control features, and

(4) Means for effective acoustical designs to be adopted in public and private development.

The Task Force on Noise Control shall seek funds from public and private agencies to carry out its functions, including staffing and research.

The Task Force on Noise Control shall cease to exist on a date 24-months and one day after the effective date of this Section, unless its life is extended by resolution of the Board of Supervisors. (Added by Ord. 274-72, App. 9/20/72)

SEC. 5.40-1. TASK FORCE ON NOISE CONTROL — ADDITIONAL MEMBER; APPOINTMENT. Notwithstanding the provisions of Section 5.40 of this Article, the membership of the Task Force on Noise Control shall be increased by one member who shall be appointed directly by the Mayor. The duties and functions of the member added by this Section shall be subject to the provisions of Section 5.40 hereof. (Added by Ord. 278-73, App. 7/13/73)

ARTICLE VI

COMMISSION ON THE AGING

SEC. 5.50. DEFINITIONS. (a) **Commission.** The Commission on the Aging.

(b) **Council.** The Advisory Council.

(c) **Member.** A member of the Commission on the Aging. (Added by Ord. 500-80, App. 10/29/80)

SEC. 5.51. ESTABLISHMENT OF COMMISSION; APPOINTMENT; TERMS; EXECUTIVE DIRECTOR; MEETINGS; COMPENSATION. (a) There is hereby established a commission to be known as the Commission on the Aging (hereinafter called "commission") consisting of seven members. Members shall be appointed by the Mayor and shall serve at the pleasure of the Mayor.

(b) The commission shall at all times consist of at least five members who have reached the age of 60. Each member shall have a demonstrated knowledge of the problems and needs of the elderly and shall reflect the geographic and ethnic populations of San Francisco.

(c) Members shall serve four-year terms.

The term of each member shall be determined by drawing lots at the first meeting of the commission. All vacancies occurring during a term shall be filled by the Mayor for the unexpired term.

(d) The position of director shall be established pursuant to and subject to Charter Sections 3.500(h) and 8.200. The director shall be appointed by a majority vote of the members. All staff personnel shall be under the immediate direction and supervision of the director.

(e) The date, place and time of meetings shall be determined by rules adopted by the commission; provided, however, that the commission shall hold a regular meeting not less than once each month. The commission may hold special meetings in accordance with Charter Section 3.500(g). All meetings, whether regular or special, shall be open and public except as otherwise provided by general law.

(f) Subject to the budgetary and fiscal limitations of the Charter, each member shall be paid \$25 per commission meeting or committee meeting attended. (Amended by Ord. 248-85, App. 5/23/85)

SEC. 5.52. COMMISSION DESIGNATED AREA AGENCY ON AGING. Pursuant to federal law, the commission is hereby designated the Area Agency on Aging for the City and County of San Francisco. (Added by Ord. 500-80, App. 10/29/80)

SEC. 5.53. POWERS AND DUTIES OF THE COMMISSION. In addition to powers under the Charter, the commission shall have the following powers and duties:

(a) To develop, as the Area Agency on Aging, policy goals for the City and County of San Francisco in the form of an Area Plan as specified by federal regulations. Such plan is to be subject to the review and approval of the Mayor and the Board of Supervisors;

(b) To provide a comprehensive and coordinated service delivery system for senior citizens through the implementation and monitoring of the Area Plan pursuant to federal regulations set forth above by: (1) establishing standards, and (2) assessing services needed, (3) awarding subgrants (4) and providing technical assistance and monitoring of service providers under the plan;

(c) To establish an Advisory Council to advise the commission in accordance with federal law and regulations;

(d) To serve as advocate and focal point for Senior Citizens' Programs; and

(e) To make an annual report to the Board of Supervisors regarding the accomplishments of the commission and the council in terms of service, delivery and coordination and development of senior resources in the City and County of San Francisco. (Amended by Ord. 248-85, App. 5/23/85)

SEC. 5.54. ADVISORY COUNCIL. The commission shall establish an Advisory Council ("council"), not to exceed 22 members, 11 of whom shall be

appointed by the commission and 11 appointed by the Board of Supervisors. The council shall be representative of the geographic and ethnic populations of the City and County of San Francisco by districts, which districts shall be determined by the commission. More than 50 percent of the members of each such group of 11 members shall be persons who are 60 years of age or older. The council shall include service providers, older persons with the greatest socio and economic need, consumers, and others specified by federal regulation. Council members shall collect all appropriate information in order to provide the commission with advice in the commission's decision-making on the needs, assessments, priorities, programs and budgets concerning older San Franciscans.

Pursuant to federal regulations, the commission shall develop and adopt bylaws for the council. Such bylaws shall specify the role and functions of the council, number of members, procedures for selecting members, term of membership, and the frequency of meetings. The Advisory Council shall meet at least 10 times per year. The council shall be compensated in the same manner as the commission for the Advisory Council meetings and commission committee meetings at which they serve. (Amended by Ord. 248-85, App. 5/23/85)

ARTICLE VII

STREET UTILITIES COORDINATING COMMITTEE AND CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION

SEC. 5.60. STREET UTILITIES COORDINATING COMMITTEE.

There is hereby established a committee to be known as the Street Utilities Coordinating Committee consisting of the Director of Public Works, who is to act as chair; a representative from the Department of City Planning; a representative from the Citizens Advisory Committee to the Street Utilities Coordinating Committee who shall be selected by the Chief Administrative Officer of the City and County from those members of the above committee representing citizen input only and not from any utility or city department; and one senior management representative from each of the following: San Francisco Water Department; Hetch Hetchy Water and Power System; San Francisco Police Department; Pacific Gas and Electric Company, Gas Division; Pacific Gas and Electric Company, Electric Division; Pacific Telephone Co.; Western Union; and Television Signal Corporation. (Added by Ord. 273-74, App. 6/6/74)

SEC. 5.61. STREET UTILITIES COORDINATING COMMITTEE — MEETINGS. Places, dates and times of meetings shall be as prescribed by the chair. (Added by Ord. 273-74, App. 6/6/74)

SEC. 5.62. STREET UTILITIES COORDINATING COMMITTEE — DUTIES. This committee shall be charged with the responsibility of formulating policy as it affects the use of public streets by public and private utilities, such as overall traffic regulations during utility construction or maintenance; utility

advance planning, and other means to insure minimum disruption and inconvenience to the general public using the surface of the streets; utility joint trenches; utility tunnels; and condition of trench repairs. (Added by Ord. 273-74, App. 6/6/74)

SEC. 5.63. STREET UTILITIES COORDINATING COMMITTEE — SUBCOMMITTEES. There are hereby established two subcommittees to the Street Utility Coordinating Committee as follows:

(a) **Committee for Utility Liaison on Construction and Other Projects (CULCOP).** This subcommittee shall consist of staff level personnel from the Bureau of Engineering of the Department of Public Works, San Francisco Water Department; Hetch Hetchy Water and Power System; Municipal Railway; San Francisco Fire Department; San Francisco Department of Electricity; San Francisco Redevelopment Agency; Pacific Gas and Electric Company, Gas Division, Pacific Gas and Electric Company, Electric Division; Pacific Telephone Company, Western Union and the Television Signal Corporation. The chair shall be a representative of the Bureau of Engineering as designated by the City Engineer. Meetings shall be monthly at a time and place designated by the chair. The duties of this subcommittee will be to work out scheduling of utility work that is connected with Department of Public Works projects and to plan the utilities undergrounding construction program.

(b) **Committee for Planning Utility Construction Program.** This subcommittee shall consist of representatives of the Department of Public Works; San Francisco Water Department, Hetch Hetchy Water and Power System, San Francisco Police Department; Pacific Gas and Electric Company, Gas Division; Pacific Gas and Electric Company, Electric Division; Pacific Telephone Company; Western Union, and Television Signal Corporation. The chair shall be a representative of the Department of Public Works as designated by the Director of Public Works. Meetings shall be at the call of the chair. This subcommittee shall be responsible for detailed planning of a 12 months construction program of all street utilities, exclusive of Public Works Department projects which are financed wholly or in part by gas tax or ad valorem funds and utilities undergrounding program, including traffic regulations during utility construction or maintenance, and other duties as assigned by the Street Utilities Coordinating Committee. The Director of Public Works shall transmit to private utility companies and to said subcommittee a list of approved gas tax and ad valorem projects, as soon as such projects are approved by the Board of Supervisors. (Added by Ord. 273-74, App. 6/6/74).

SEC. 5.64. CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION. There is hereby established a committee to be known as the Citizens Advisory committee for Street Utility Construction consisting of 21 members to be appointed by the Chief Administrative Officer as follows: one representative from each of the following: Department of Public Works, Police Department; Water Department, Municipal Railway; Pacific Gas and Electric Company, Gas Division; Pacific Gas and Electric Company, Electric Division; Pacific Telephone Company; Western Union; Television Signal Corporation; San Francisco Planning and Urban Renewal Association; Greater San Francisco Chamber of Commerce; San Francisco Council of District Merchants Association; Associated General Contractors of California; organized labor; Downtown Association;

and six members selected from neighborhood organizations representing the various neighborhoods within the city. The committee shall elect a chair from the membership thereof. Any member may delegate an alternate within his or her respective organization to represent him or her at any meeting of the committee in the member's absence. Vacancies on the committee shall be filled by the Chief Administrative Officer in the manner herein provided for the appointment of the original members. (Added by Ord. 273-74; App. 6/6/74)

SEC. 5.65. CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION — MEETINGS. Places, dates and times of meetings shall be as prescribed by the chair. (Added by Ord. 273-74, App. 6/6/74)

SEC. 5.66. CITIZENS ADVISORY COMMITTEE FOR STREET UTILITY CONSTRUCTION — DUTIES. The duties of the committee shall be to secure citizens' input concerning general problems relating to the use of any digging-up of streets and sidewalks by utility companies or city departments, and to recommend to the Street Utilities Coordinating Committee ways and means to alleviate these problems. (Added by Ord. 273-74, App. 6/6/74)

SEC. 5.69. USE OF LEGAL NAMES BY CANDIDATES. (a) Any candidate for municipal office filing a Declaration of Candidacy pursuant to Charter Section 9.104 shall do so under his or her legal name.

(b) A candidate's legal name is that given at birth, or as established by marriage, by general usage or habit, or by decree of any court of competent jurisdiction. A candidate's legal name may include any nickname, or combination of initials, full names, or individual letters or numerals, if otherwise satisfying the requirements of this section.

(c) If a candidate changes his or her name within one year of any election, said candidate shall not file a Declaration of Candidacy under his or her new name unless the change was made by marriage, or by decree of a court of competent jurisdiction. (Added by Ord. 138-83, App. 3-18-83)

ARTICLE VIII

BALLOT SIMPLIFICATION COMMITTEE

SEC. 5.70. ESTABLISHMENT; COMPOSITION; APPOINTMENT; QUALIFICATIONS; TERMS; VACANCIES; CHAIRMAN. There is hereby established a committee to be known as the Ballot Simplification Committee (hereinafter called "Committee") consisting of six members, two of whom shall be appointed by the Mayor and three of whom shall be appointed by the Board of Supervisors. The City Attorney, or his or her designated representative, shall be a member ex-officio and shall have a voice but no vote in committee proceedings. Each appointive member shall be an elector of the City and County, shall possess an understanding of ballot issues and shall possess writing skills and training which provide for a high capability in written communication to the general public. Of the two members to be appointed by the Mayor, one shall be appointed from persons

whose names have been submitted by the American Newspaper Guild and one shall be an educational reading specialist recommended by the Superintendent of Schools of the San Francisco Unified School District. Of the three members to be appointed by the Board of Supervisors, one shall be appointed from persons whose names have been submitted by the National Academy of Television Arts and Sciences, one shall be appointed from persons whose names have been submitted by the California Association of Broadcast Editorial Directors and one shall be appointed from persons whose names have been submitted by the League of Women Voters. The term of each appointive member shall be two years unless earlier removed by their respective appointing authority. In the event of such removal or in the event a vacancy otherwise occurs during the term of office of any appointive member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members. The Committee shall elect a chair from among its appointive members. The term of office as chair shall be for the calendar year or for that portion thereof remaining after each such chair is elected. Members of the Committee shall serve as such without compensation. (Added by Ord. 188-75, App. 5/15/75)

SEC. 5.71. POWERS AND DUTIES. The Committee shall have the power and duty to:

(a) Prepare a digest of any measure which is to be voted on at any election in the City and County. As used in this Article the term "measure" shall mean and include any proposed charter amendment submitted to the voters by the Board of Supervisors, any proposition to incur a bonded indebtedness of the City and County submitted to the voters by the Board of Supervisors, any proposition submitted to the voters by the Board of Education of the San Francisco Unified School District or by the Governing Board of the San Francisco Community College District, any ordinance or declaration of policy submitted to the voters by either the Mayor, the Board of Supervisors or by one-third of said Board or any proposition submitted to the voters upon an initiative, referendum or recall petition.

(b) Prepare, with the assistance of the Registrar of Voters, the material set forth in Section 5.79 (e) of this Article.

(c) In the exercise of its powers and duties under this Article, the Committee shall have access to any appropriate officer, department, board or commission of the City and County for consultation and assistance.

(d) Digests of measures prepared by the Committee shall, not less than 78 days prior to the election to which they relate, be transmitted by said Committee to the Registrar of Voters for printing and inclusion in the pamphlet provided for by Section 9.112 of the Charter and Section 78 of this Article. (Amended by Ord. 84-85, App. 2/19/85)

SEC. 5.71-1. MEETINGS. The place, date and time of meeting of the Committee shall be prescribed by rule of the Committee; provided, however, that the Committee shall give at least one week's advance notice of any meeting, whenever possible, to the Mayor, the Board of Supervisors and the official proponents of any initiative ordinance, charter amendment or declaration of policy. All meetings, except as provided by law, shall be open to the public. (Added by Ord. 49-87, App. 2/27/87)

SEC. 5.72. DIGEST OF MEASURES; STANDARDS; READABILITY LEVEL. In preparing the digest of any measure, the Committee shall utilize as its standard the Fry Graph for Estimating Readability as set forth in the Journal of Reading, Volume XI, No. 7 (April, 1968), at pages 513 to 516, inclusive, and pages 575 to 578, inclusive, a copy of which is a part of File No. 361-73 in the office of the Clerk of the Board of Supervisors, or such other nationally accepted standard for estimating readability which the Committee determines would provide a more adequate standard. It shall be the responsibility of the Committee to achieve the closest proximity to the eighth grade level of readability in the digest of each measure. (Added by Ord. 188-75, App. 5/17/75)

SEC. 5.73. DIGEST OF MEASURES; FORMAT. Each digest of a measure shall include five identifying subsections. These shall be entitled and shall appear in the following sequence in the ballot pamphlet in bold face: Headline, The Way is Now, the Proposal, A "Yes" Vote Means, A "No" Vote Means.

Each digest shall be limited to a maximum of 300 words exclusive of the title for each subsection provided for herein. (Amended by Ord. 84-85, App. 2/19/85)

SEC. 5.73-1. CONTROLLER'S FINANCIAL ANALYSIS. (a) The Controller shall prepare an impartial financial analysis of any ballot measure to be submitted to the voters, which shall include the amount of any increase or decrease in the cost of government of the City and County and its effect upon the tax rate.

(b) The analysis shall be in a form appropriate for mailing to the voters with a sample ballot.

(c) The analysis of any ballot measure shall be transmitted to the Registrar of Voters not less than 78 days prior to the election to which it relates, for printing and inclusion in the pamphlet provided for by Section 9.112 of the Charter and Section 5.78 of this Article. (Added by Ord 20-82, App. 1/15/82)

SEC. 5.73-2. CITY ATTORNEY'S STATEMENT OR QUESTION. (a) The City Attorney shall prepare a general statement of any ballot measure to be submitted to the voters, followed by the words "yes" and "no", so arranged that the voters may indicate a choice upon the ballot.

(b) The general statement or question shall consist of not over 30 words.

(c) The general statement or question for any ballot measure shall be transmitted to the Registrar of Voters not less than 78 days prior to the election to which it relates, for printing and inclusion in the pamphlet provided for by Section 9.112 of the Charter and Section 5.78 of this Article. (Added by Ord. 21-82, App. 1/15/82)

SEC. 5.74. SUBMISSION OF ARGUMENTS; ADVERTISING. Any individual voter, group of voters, or association of citizens, or any combination thereof, upon deposit of an amount sufficient to defray the cost of printing as estimated by the Registrar of Voters, may submit to the Registrar of Voters for action pursuant to the provisions of this Article, a written argument for or against any measure which is to be voted on at any election in the City and County. Said argument shall be filed with the Registrar of Voters not less than 71 days prior to the election at which the related measure is to be voted upon.

The Registrar of Voters shall, between the eighty-first day and the seventy-fifth day prior to any election, publish, on three separate occasions, a notice in the official newspaper that arguments may be submitted for or against any measure to be voted upon at said election. Said notice need not include a description of said measures. The Registrar of Voters shall also distribute a news release relating to the submission of arguments to such other newspapers, radio and television stations as he or she deems will best inform persons of their right to submit such arguments and to examine such arguments for a 10-day period from the seventieth day prior to the election at which the related measure is to be voted on to and including the sixty-first day prior to said election, as provided by California Elections Code Sections 3795 and 5025. (Amended by Ord. 22-82, App. 1/15/82)

SEC. 5.74-1. PETITION IN LIEU OF PRINTING FEE. (a) Notwithstanding any other provisions of this Article, any individual voter, group of voters, or association of citizens, or any combination thereof, may submit a petition containing signatures of registered voters in lieu of the printing fee required under Section 5.74. The petition shall contain four signatures for each dollar of the fee. A voter may sign both an initiative or referendum petition and an in-lieu-printing-fee petition. The initiative or referendum petition and the in-lieu-printing-fee petition, however, must be separate documents.

Each section of the petition shall bear the full text of the proposed argument. It shall also include spaces for the voter's signature, printed name and residence address, giving street and number within the City and County, or adequate designation of residence so that the location may be readily ascertained. Across the top of each page there shall be printed in 12-point boldface type the following: "Petition in Lieu of Printing Fee for Local Ballot Argument." Each petition section shall bear an affidavit signed by the circulator in substantially the same form as set forth in Elections Code Section 3519, except that the affidavit shall declare that the circulator is a voter of the City and County and shall state the address at which the circulator is registered to vote at the time of the execution of the affidavit.

(b) The substitution of signatures for fees shall be subject to the following provisions:

1. Any registered voter of the City and County may sign an in-lieu-printing-fee petition for any measure.
2. A voter may sign only one in-lieu-printing-fee petition per measure.
3. In-lieu-printing-fee petitions shall be filed at least 10 days prior to the close of the period for submission of arguments. Upon receipt of the minimum number of in-lieu-printing-fee signatures required, or a sufficient combination of such signatures and pro rata printing fee, the Registrar of Voters shall provisionally accept the argument for inclusion in the ballot pamphlet. Within seven days after the receipt of the petition, the Registrar of Voters shall notify the proponent of the in-lieu-printing-fee petition of any deficiency. The proponent may then, prior to the close of the period for the submission of arguments, pay a pro rata portion of the filing fee to cover the deficiency or reduce the number of words to that which the petition signatures in-lieu-printing fee covers. Provided, however, that no reduction in the number of words will be permitted which results in a material change in the argument as first submitted.

In the event the proponent fails either to reduce a sufficient number of words or pay the required pro rata portion of the fee so as to qualify the argument for placement in the voter pamphlet, the Registrar shall follow the following procedure: The Registrar shall eliminate a sufficient number of words to qualify the argument by commencing with the last word of the argument and working backwards until he or she has eliminated the requisite number of words. In the event the elimination process leaves an incomplete sentence, the Registrar shall eliminate the remaining portion of the sentence to the immediately preceding period or semicolon.

4. Each proponent of an in-lieu-printing-fee petition may submit a greater number of signatures to allow for subsequent losses due to the invalidity of some signatures. The Registrar shall not be required to determine the validity of a greater number of signatures than that required by this Section.

5. If the number of signatures affixed to an in-lieu-printing-fee petition filed pursuant to this Section is 100 or more, the Registrar of Voters may use a random sampling technique for verification of the signatures. If a random sampling technique is used and the number of signatures on a petition is 100 or more but less than 1,500, the random sampling shall include an examination of 100 signatures. If the number of signatures on a petition is more than 1,500, the random sampling shall include an examination of five percent of the signatures. Upon completion of the verification of signatures in the sample, the percentage of signatures which are valid shall be applied and projected to the total number of signatures submitted. (Added by Ord. 67-87, App. 3/5/87)

SEC. 5.75. ARGUMENTS; LENGTH; SIGNATURE. No argument filed in accordance with the provisions of Section 5.74 of this article shall exceed 350 words in length and each such argument shall be subscribed by the name or names of the person or persons submitting the same, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers. In counting the number of words in any argument, the names of the persons or organizations subscribed thereto or submitted separately as sponsors or endorsers of said argument shall be included in said word count. (Added by Ord. 188-75, 5/15/75)

SEC. 5.76. ARGUMENTS; REVIEW. The Registrar of Voters shall, upon the receipt of any argument within the time limit specified in Section 5.74 of this Article, review the same for conformity with the provisions of Section 5.75 of this Article. If any argument is found not to conform with the provisions of said section, the Registrar of Voters shall forthwith return said argument to the person or organization filing the same indicating in what respect said argument does not so conform and without prejudice to the filing of another argument by said person or organization within the time limit prescribed in Section 5.74 of this Article. (Added by Ord. 345-77, App. 7/21/77)

SEC. 5.77. ARGUMENTS SUBMITTED BY THE MAYOR OR BOARD OF SUPERVISORS. The Mayor and the Board of Supervisors may each present, without charge, one argument for or against any measure submitted to the voters.

Arguments submitted by the Mayor or members of the Board of Supervisors pursuant to the provisions of this Section shall, not less than 71 days prior to the election, be transmitted to the Registrar of Voters for printing and inclusion in the ballot pamphlet provided for by the provisions in Section 5.78 of this Article. (Amended by Ord. 73-82, App. 2/19/82)

SEC. 5.77-1. PLACEMENT OF ARGUMENTS ON BALLOT. In the event that an argument has been prepared and submitted in compliance with Sections 5.74, 5.75, 5.76 and 5.77, it shall be placed by the Registrar of Voters in the ballot pamphlet for which provision is made in Sections 5.78 through 5.80. (Added by Ord. 345-77, App. 7/21/77)

SEC. 5.77-2. DEADLINES FOR SUBMISSION OF BALLOT MEASURES AND INITIATIVE PETITIONS. (a) No measure proposed by a majority of the Board of Supervisors, by four Supervisors or by the Mayor, pursuant to Charter Section 9.108, subdivision (a), may be submitted at an election held less than 90 days after the date said measure is transmitted to the Registrar of Voters.

(b) No initiative ordinance, act or other measure emanating from an initiative petition authorized by San Francisco Charter Section 9.108 may be submitted at an election held less than 104 days after the date said initiative petition is submitted for signature verification and certification by the Registrar of Voters. Any initiative measure certified to contain the requisite number of valid signatures by the Registrar, but submitted within 104 days of an election, shall be placed on the ballot at the next following general election. (Added by Ord. 331-84, App. 7/20/84)

SEC. 5.78. BALLOT PAMPHLET; FORMAT. (a) The pamphlet provided for by the provisions of Section 9.112 of the Charter shall be known as the ballot pamphlet and shall not be smaller than 6x9 inches in size. Said ballot pamphlet shall be printed in clear readable type, not less than 10-point, and shall be printed on a quality and weight of paper which in the judgment of the Committee best serves the voters. Lines between paragraphs shall be double-spaced. Each page of the ballot pamphlet upon which material relating to any measure appears may be multi-spaced. Material relating to candidates for elective offices of the City and County appearing in the ballot pamphlet shall precede material relating to measures appearing in the ballot pamphlet.

(b) The format of the ballot pamphlet shall be determined by the Registrar of Voters, subject to the approval of the Committee. (Added by Ord. 157-77, App. 5/6/77)

SEC. 5.79. BALLOT PAMPHLET; CONTENTS. With respect to any election to be held in the City and County, the ballot pamphlet shall, in addition to any other material required by the Charter or by general law, contain:

- (a) The statement of qualifications and the name and address of each sponsor of each candidate for an elective office of the City and County;
- (b) The full text of each measure to be voted upon at said election;
- (c) A copy of the arguments, if any, for or against each measure;
- (d) A copy of the digest of each measure as prepared by the Committee;

(e) A table of contents, an index of candidates and measures, a brief explanation of the ballot pamphlet, its purpose and use, definitions of terms appearing therein, a summary of basic voters' rights and a brief statement as to the term, compensation and duties of each elective office appearing therein; and

(f) Art work, graphics and other material which the Registrar of Voters determines will make the ballot pamphlet easier to understand or more useful to the average voter. (Added by Ord. 188-75, App. 5/15/75)

SEC. 5.79-1. BALLOT PAMPHLET TO CONTAIN INFORMATION ON ENGLISH LANGUAGE CLASSES. (a) The City and County of San Francisco recognizes that it is required by law to provide foreign language assistance to non-English speaking persons so that they may participate fully and freely in the electoral process. It acknowledges and assumes that duty and fully intends to comply with it. It also recognizes that the cultural diversity of its foreign-speaking citizens is a source of enrichment to all San Franciscans. However, the City also realizes that persons who are not fluent in English are unable to take full advantage of the information and opportunities available to Englishspeaking persons. Nor are they able as fully and effectively to participate in the community's affairs or to understand and take positions on the myriad of public issues decided by the people's elected representatives or other public officials. In view of this problem, the City has for more than 30 years provided free instruction in English for all persons. It is the City's policy to urge and encourage all persons who cannot speak English to take these courses, and thereby enhance their ability to participate in and contribute to the process of deliberation vital to the democratic process.

(b) The Registrar is directed, in those instances in which a separate ballot pamphlet or pamphlets in a foreign language are distributed, to place in such pamphlets, in the corresponding language, information as to the time, place, nature and telephone numbers of free English language classes in public and private schools and agencies in the City. (Added by Ord. 345-83, App. 6/16/83)

SEC. 5.80. CONTENTS AS TO MEASURES. The ballot pamphlet shall contain as to each measure to be voted upon, the following in the order set forth herein.

(a) Upon the top portion of the first page following the matter relating to candidates:

- (1) The identification of the measure by letter and title;
- (2) The digest prepared by the Ballot Simplification Committee;
- (3) The financial analysis prepared by the Controller;
- (4) A reference to the page containing the full text of the measure, and the arguments for or against said measure;

(b) Upon the top portion of the first page following the matter set forth in subsection (a) hereof, shall appear:

- (1) The identification of the measure by letter and title;
- (2) The full text of the measure; and
- (3) The arguments for and against said measure.

The argument for shall precede the argument against said measure. In the event no argument for or no argument against any particular measure has been submitted with respect to any particular measure, that fact and nothing further shall be recited in the place otherwise reserved for such argument.

(c) Measures, and matter relating to said measures, shall be printed in the ballot pamphlet in the same order in which designated upon the ballot. (Amended by Ord. 343-76, App. 9/2/76)

SEC. 5.81. ESTABLISHMENT; APPOINTMENT; TERMS; VACANCIES; CHAIR. There is hereby established a committee to be known as the Citizens Advisory Committee on Elections (hereinafter called "committee") consisting of 11 voting members appointed by the Mayor, six of whom shall be nominated by the Board of Supervisors. Members shall represent political organizations, political parties, labor organizations, neighborhood organizations, business organizations, and other citizens groups interested in the political process. The City Attorney or his or her designated representative, and the Registrar of Voters or his or her designated representative shall be ex-officio members without vote.

The term of each voting member shall be two years; provided, however, that the members first appointed shall, by lot, classify their terms so that five members shall serve a one year term and six members shall serve a two year term. On the expiration of these and successive terms, their successors shall be appointed for a four year term in a manner similar to that described herein for the initial members.

In the event a vacancy occurs during the term of office of any members, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described herein for the initial members.

The Committee shall elect a chair from among its appointed members. The term of office as chair shall be for the calendar year or for that portion thereof remaining after each such chair is elected. (Added by Ord. 174-79, App. 4/20/79)

SEC. 5.82. POWERS AND DUTIES. The committee shall have the power and duty to:

(a) Study, and make advisory recommendations to the officers of the City and County on all matters relating to voter registration, elections and the administration of the office of Registrar of Voters;

(b) Investigate compliance with the requirements of Federal, State and local election and campaign reporting, disclosure laws and other statutes relating to the conduct of elections in San Francisco;

(c) Promote citizen participation in the electoral process;

(d) Study and report on all election matters referred to it by various officers of the City and County; and

(e) Do any and all things necessary or convenient to enable it fully and adequately to exercise the aforesaid powers, to perform the aforesaid duties, and to accomplish the objectives and purposes of this ordinance. (Added by Ord. 174-79, App. 4/20/79)

SEC. 5.83. REPORTS. The Committee shall render annually a written report of its activities to the Mayor, to the Chief Administrative Officer, and to the Board of Supervisors. It may from time to time initiate reports to the various officers of the City and County on specific election matters. (Added by Ord. 174-79, App. 4/20/79)

SEC. 5.84. MEETINGS. The place, date and time of meetings of the Committee shall be prescribed by rule of the Committee; provided, however, that

the Committee shall hold a regular meeting not less than once every two months. Special meetings of the Committee may be held in accordance with the provisions of Section 2.8 of this Code.

All meetings, either regular or special, shall, except as provided by general law, be open to the public. (Added by Ord 174-79, App. 4/20/79)

SEC. 5.85. COMPLAINTS; ENFORCEMENT. When a majority of the Committee feels that the Registrar has unjustifiably failed to follow the recommendations of the Committee it may appeal such a course of action to the appointing officer of the Registrar. That appointing officer may then investigate the complaint and, upon a finding that the Registrar has failed to comply with State, Federal or local laws pertaining to assistance to members of minority language groups to assure full exercise of their voting rights, may, subject to the pertinent provisions of Sections 3.201 and 9.102 of the San Francisco Charter, take appropriate steps to discipline the Registrar. Such discipline may range from a mere reprimand to dismissal from office. (Added by Ord. 174-79, App. 4/20/79)

ARTICLE IX

OPEN SPACE/PARK RENOVATION CITIZENS ADVISORY COMMITTEE

SEC. 5.90. ESTABLISHMENT; COMPOSITION; APPOINTMENT, QUALIFICATIONS; TERMS; SELECTION OF STAFF. There is hereby established a committee to be known as the Open Space/Park Renovation Citizens Advisory Committee (hereinafter referred to as Advisory Committee), which shall assist the City Planning Commission and Recreation and Park Commission in the implementation of Section 6.413 of the Charter of the City and County of San Francisco. The Advisory Committee shall consist of 23 voting members to be appointed by the Board of Supervisors. The Advisory Committee members shall serve without compensation for a term of two years and may be reappointed at the end of each term. Of the first 23 committee members appointed, 12 by lot shall serve for a term of two years, and 11 by lot shall serve for a term of one year.

(a) In making appointments, the Board of Supervisors shall consult with persons and organizations interested in neighborhood recreation, parks, and open space programs, and with the General Manager, Recreation, Park Department, the Recreation and Park Commissioners, the Director of Planning and the City Planning Commission. Appointees to the Advisory Committee shall be selected because of their proven training or experience in recreation, parks and open space programs, or their recognized contribution to organizations concerned with said programs, or their identification with organizations devoted to neighborhood improvement. The 23 voting members of the Advisory Committee shall be residents of the City and County of San Francisco, and shall be broadly representative of the various community and business interests in San Francisco.

(b) At the initial meeting of the Advisory Committee, and in July of each year of the existence of the Advisory Committee, the Advisory Committee members

shall select such officers as deemed necessary by the Committee. The Advisory Committee shall establish rules and regulations for its own organization and procedure and shall meet when necessary as determined by the Committee.

(c) The General Manager of the Recreation and Park Department or his or her delegated representative, and the Director of the City Planning Department or his or her delegated representative, shall meet with the Citizens Advisory Committee.

(d) Monies from the Open Space Acquisition and Park Renovation Fund shall be appropriated to and expended by the Advisory Committee only for costs of publicizing meeting and hearing dates, costs of publication of the Advisory Committee's minutes, and costs of distributing information to the general public, as provided for in Section 6.413 of the Charter of the City and County of San Francisco. No monies from the General Fund of the City and County of San Francisco shall be either appropriated to or expended by the Advisory Committee. (Amended by Ord. 356-82, App. 7-22-82)

SEC. 5.91. POWERS AND DUTIES. The Advisory Committee shall assist and advise the General Manager of the Recreation and Park Department and the Director of City Planning Department in establishing priorities for renovation, acquisition, development and maintenance of properties in accordance with the "Recreation and Open Space Programs" to implement the recreation and open space element of the Master Plan.

(a) The Advisory Committee shall hold at least one public hearing annually concerning the establishment of priorities for properties to be acquired or renovated. Minutes of the meetings and hearings shall be made by the secretary and approved at a subsequent meeting.

(b) The General Manager of the Recreation and Park Department and the Director of the City Planning Department shall consider the testimony presented at the hearings before the Advisory Committee, and shall include a summary and analysis of the Advisory Committee's recommendations in their reports to the Recreation and Park Commission and City Planning Commission.

(c) Notice of hearings before the Advisory Committee shall be given by at least one publication in the official newspaper of the City and County of San Francisco not less than 15 days prior to the date of such hearing. When acquisition of a particular parcel(s) is scheduled for consideration at a hearing, notice of that fact and of the hearing shall be mailed at least 15 days prior to the hearing to the owner(s) of record of the property at the address listed on the Assessor's published rolls and to the City's Director of Property. The Advisory Committee may also give notice to any person or organization that it may deem appropriate. (Amended by Ord. 151-80, App. 4-18-80)

ARTICLE X

APPEALS BOARD

SEC. 5.92. APPEALS BOARD; ESTABLISHMENT; COMPOSITION; PURPOSE. Pursuant to the provisions of Section 19957.5 of the Health and Safety Code of the State of California there is hereby established an Appeals Board

composed of five members to hear written appeals brought by any person regarding action taken by the Department of Public Works, Bureau of Building Inspection, in the enforcement of the requirements of Part 5.5 (commencing with Section 19955), Division 13 of the Health and Safety Code of the State of California, including the exceptions contained in Section 19957 thereof. (Added by Ord. 73-77, App. 3/4/77)

SEC. 5.93. APPOINTMENTS; QUALIFICATIONS; TERMS; VACANCIES, COMPENSATION. Members of the Appeals Board shall be qualified and appointed as follows:

Two members of the Appeals Board shall be physically handicapped persons and shall be appointed by the Board of Supervisors, two members shall be experienced in construction and shall be appointed by the Board of Supervisors and one member shall be a public member and shall be appointed by the Mayor. The term of each member shall be four years, provided that the five members first appointed shall by lot, classify their terms so that one member shall serve a one year term, one member shall serve a two year term, one member shall serve a three year term and two members shall serve a four year term. Upon a vacancy occurring in the membership of the Appeals Board and upon the expiration in the term of office of any member, a successor shall be appointed by the original appointing authority. When a vacancy occurs for any reason other than the expiration of a term of office, the appointee to fill such vacancy shall hold office for the unexpired term of his or her predecessor. The members of the Appeals Board shall serve without compensation. The Department of Public Works, Bureau of Building Inspection, shall provide necessary staff service to the Appeals Board. (Added by Ord. 73-77, App. 3/4/77)

SEC. 5.94. POWERS AND DUTIES; FINALITY. (a) The Appeals Board shall conduct hearings on written appeals made under Section 5.92 hereof, and may approve or disapprove interpretations of Part 5.5, Division 13 of the Health and Safety Code of the State of California and enforcement actions taken by the Department of Public Works, Bureau of Building Inspection. All such approvals or disapprovals shall be final and conclusive as to the Department of Public Works, Bureau of Building Inspection, in the absence of fraud or prejudicial abuse of discretion.

(b) The Appeals Board shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties as herein set forth. (Added by Ord. 73-77, App. 3/4/77)

ARTICLE XI

VETERANS' AFFAIRS COUNCIL

SEC. 5.100. CREATION OF COUNCIL. There is hereby established the Veterans' Affairs Council (hereinafter Council) of the City and County of San Francisco. (Added by Ord. 449-82, App. 9/16/82)

SEC. 5.101. PURPOSE. The Veterans' Affairs Council shall advise directly the Mayor and the Board of Supervisors on all matters affecting veterans of the Armed Forces of the United States of America, on the problems, interests and needs of veterans who are residents of the City and County of San Francisco and on the coordination of economic development, health care, and social services programs as they relate to veterans who are residents of the City and County of San Francisco. (Added by Ord. 449-82, App. 9/16/82)

SEC. 5.102. MEMBERSHIP. The Council shall consist of 15 members, residents of the City and County of San Francisco. Eleven of the members shall be appointed by the Board of Supervisors and four of the members shall be appointed by the Mayor as follows:

(a) Five at-large members;

(b) Ten members appointed from the following categories so that among the 10 members there are at least three woman veterans and so that there is at least one person selected from each category:

(1) A person who served in the Armed Forces of the United States of America prior to December 8, 1941;

(2) A person who served in the Armed Forces of the United States of America subsequent to December 8, 1941 and prior to the commencement of the Korean War;

(3) A person who served in the Armed Forces of the United States of America subsequent to the commencement of the Korean War and prior to January 1, 1964;

(4) A person who served in the Armed Forces of the United States of America subsequent to January 1, 1964 and prior to May 8, 1975 and who served in the Vietnam conflict;

(5) A person who served in the Armed Forces of the United States of America subsequent to May 8, 1975;

(6) A person who served in the Armed Forces of the United States of America and is suffering under a physical disability arising from that service, in accordance with the definitions applied in such cases by the Veterans' Administration;

(7) A person who served in the Armed Forces of the United States of America and is "stress disabled" as a result of such service, in accordance with the definitions applied in such cases by the Veterans' Administration. (Added by Ord. 449-82, App. 9/16/82)

SEC. 5.103. ORGANIZATION AND TERMS OF OFFICE. (a) The term of each member of the Council shall be four years; provided, however, that the members first appointed shall, by lot, classify their terms so that three members shall serve a one-year term, four members shall serve a two-year term, four members shall serve a three-year term and four members shall serve a four-year term. On the expiration of these and successive terms, their successors shall be appointed for a four-year term in a manner similar to that described for the initial members.

(b) In the event a vacancy occurs during the term of office of any member, a successor shall be appointed for the unexpired term of the office vacated in a manner similar to that described for the initial members.

(c) The Council shall elect a chairperson from among its appointed members. The term of office as chairperson shall be for the calendar year or for the portion thereof remaining after each such chairperson is elected.

(d) Services of the members of the Council shall be voluntary and members will serve without compensation. (Added by Ord. 449-82, App. 9/16/82)

SEC. 5.104. POWERS AND DUTIES. The Council shall have the power and duty to:

(a) Hold hearings and submit recommendations to the Board of Supervisors and the Mayor regarding the problems, interests and needs of veterans;

(b) Make recommendations to the Board of Supervisors and the Mayor concerning the coordination of economic development health care and social services programs as they relate to veterans who are residents of the City and County of San Francisco. (Added by Ord. 449-82, App. 9/16/82)

SEC. 5.105. REPORT. The Council shall render annually a written report of its activities to the Board of Supervisors and the Mayor. (Added by Ord. 449-82, App. 9/16/82)

SEC. 5.106. MEETINGS. The place, date and time of meetings of the Council shall be prescribed by rule of the Council; provided, however that the Council shall hold a regular meeting not less than once every two months. All meetings shall, except as provided by general law, be open to the public. (Added by Ord. 449-82, App. 9/16/82)

SEC. 5.107. RULES AND REGULATIONS. The Council shall adopt the necessary rules and regulations for the conduct of its business under this Article. (Added by Ord. 449-82, App. 9/16/82)

ARTICLE XII

NATIONAL GUARD ADVISORY COUNCIL

SEC. 5.110. ESTABLISHMENT AND PURPOSE. There is hereby established a council to be known as the National Guard Advisory Council (hereinafter called "Council"). The purpose of the Council is to develop and promote a mutually supportive relationship between the City and County of San Francisco and the California National Guard. (Added by Ord. 118-83, App. 3/11/83)

SEC. 5.111. MEMBERSHIP. The Council shall consist of five members who are residents of the City and County of San Francisco. The members shall be appointed by the Board of Supervisors, which shall consider recommendations submitted by local organizations representing veterans. (Added by Ord. 118-83, App. 3/11/83)

SEC. 5.112. TERMS OF OFFICE; COUNCIL PRESIDENCY; COMPENSATION. All members shall be appointed to serve four-year terms. Any

vacancy occurring during a term shall be filled for the unexpired term. Commencing with the date upon which the first members take office, the Council shall elect a president from among its members. Members shall serve without compensation. (Added by Ord. 118-83, App. 3/11/83)

SEC. 5.113. POWERS AND DUTIES. The Council shall act as liaison between the City and County of San Francisco and the California National Guard. It shall advise the Board of Supervisors on matters concerning the National Guard and shall encourage public support for this organization. It shall also assist in the development and organization of local advisory committees for the purpose of disseminating information to the public regarding its responsibility for supporting and promoting the National Guard. (Added by Ord. 118-83, App. 3/11/83)

SEC. 5.114. MEETINGS. The Council shall hold a regular meeting not less than once every two months. (Added by Ord. 118-83, App. 3/11/83)

SEC. 5.115. RULES AND REGULATIONS. The Council shall promulgate such rules and regulations as are necessary for the conduct of its business under this Article. No cost shall be incurred as a result of this legislation. (Added by Ord. 118-83, App. 3/11/83)

ARTICLE XIII

BUREAU FOR SMALL BUSINESS AND SMALL BUSINESS ADVISORY COMMISSION

SEC. 5.120. DECLARATION OF PURPOSE OF BUREAU. The purpose of the Mayor's Bureau for Small Business shall be to develop a cooperative and supportive relationship between the small business community and the City and County of San Francisco, to identify existing and potential problem areas and to recommend solutions to alleviate such problem areas. (Added by Ord. 558-85, App. 12/27/85)

SEC. 5.121. ESTABLISHMENT OF THE MAYOR'S BUREAU FOR SMALL BUSINESS. (a) **Establishment of the Office.** The Mayor's Bureau for Small Business is hereby created. Said Bureau shall be a part of the Mayor's Office of Housing and Economic Development of the City and County of San Francisco, which shall henceforth be known as the Mayor's Office of Housing, Economic Development and Small Business.

(b) **Appointment of Director.** The Executive Director of the Mayor's Office of Housing, Economic Development and Small Business shall serve as the director for the Small Business Advisory Commission created by this ordinance.

(c) **Powers and Duties.** The Bureau for Small Business shall act as the administrative agency for the Small Business Advisory Commission and shall, subject to

the budget and fiscal provisions of the Charter, provide it with staff and administrative support services as may be necessary for the Commission to carry out its responsibilities under this ordinance. The Bureau for Small Business, under the Director, shall have the following powers and duties:

(1) Collect, compile, analyze and interpret information relating to the formation, status, and economic health of the small businesses of the City and County, their employees and consumers;

(2) Administer grants and programs of the City and County designated by the Mayor to principally concern the small businesses of the City and County, its employees or consumers;

(3) Cooperate with and assist the several departments, boards and commissions in the promotion of the economic health of the small business community, its employees and consumers;

(d) **Rules and Regulations.** The Bureau for Small Business shall adopt any rules and regulations necessary for the conduct of its business under this ordinance. Such rules and regulations shall be available for public review and comment for 10 days before they are finally adopted by said Bureau. (Added by Ord. 558-85, App. 12/27/85)

SEC. 5.122. SMALL BUSINESS ADVISORY COMMISSION. The San Francisco Small Business Advisory Commission is hereby created. The Commission shall consist of 11 members appointed by the Mayor, each of whom shall be representative of small business.

(a) **Terms of Office.** Six of the Commission members who are first appointed shall be designated to serve for terms of four years and five shall serve for terms of two years from the dates of their appointments. The term of office of each member shall be determined by drawing lots at the first meeting of the Commission. Any member who misses three regularly scheduled meetings of the Commission in any 12-month period without obtaining the express approval of 51 percent of the members of the Commission at a regularly scheduled meeting shall be deemed to have resigned from the Commission.

(b) **Powers and Duties.** The Small Business Advisory Commission shall have the following powers and duties:

(1) Monitor the operation of the Bureau for Small Business;

(2) Hold, every quarter or more, widely publicized and duly noticed public hearings on matters of concern to small business;

(3) Review national, state and local legislation which may have an impact on small business;

(4) Recommend positions to the Board of Supervisors and the Mayor on legislation affecting small business;

(5) Cooperate with and make recommendations to other city and county agencies, commissions and departments which administer and enforce regulations which affect small business;

(6) Monitor the growth or decline of small business within the City and County; and

(7) Report annually to the Mayor and the Board of Supervisors on the activities and concerns of the Commission. (Added by Ord. 558-85, App. 12/27/85)

CHAPTER 6

CONTRACT PROCEDURE

- Sec. 6.1. Bidding Required on Contracts Exceeding Fifteen Thousand Dollars; Time for Bidding.
- Sec. 6.1-1. Port Commission; Department of Public Works; Time for Award of Contracts.
- Sec. 6.1-2. Time for Award of Contracts for Federal and State Grant Projects.
- Sec. 6.1-3. Prevailing Rates of Wage Required in Contracts for Personal Services; Nonprofit Making Enterprise Excluded; Small Business Exemption.
- Sec. 6.1-4. Financial and Bond Counsel Contracts.
- Sec. 6.2. Letting of Contracts for Demolition of City-Owned Buildings.
- Sec. 6.3. Acceptance of Other Than Lowest Bids; Reports.
- Sec. 6.4. Qualifying Awards of Contract Requiring Federal Agency Approval.
- Sec. 6.5. Comparison of Bids on Basis of Time of Completion; Notice of Award to be Published.
- Sec. 6.6. Alterations, Modifications, Etc., Increasing or Decreasing Price; Excess Cost on Unit Cost Basis.
- Sec. 6.7. Grant of Extension in Time; Extensions to be in Writing.
- Sec. 6.8. Contractor to Give Notice of Delay; Notice to Constitute Application for Extension.
- Sec. 6.9. Delays Deemed Unavoidable.
- Sec. 6.10. Extension of Time for Delays Not Stated in Preceding Section.
- Sec. 6.11. Avoidable Delays in Completing Contracts.
- Sec. 6.12. Time Extension Not Waiver of City's Rights.
- Sec. 6.13. Liquidated Damages.
- Sec. 6.14. City Will Not Pay Damages for Delays Except Under Special Circumstances.
- Sec. 6.14-1. Termination for Convenience.
- Sec. 6.15. No Extensions Granted When Contract Based on Time Estimates; Exceptions.
- Sec. 6.16. Incorporation of Provisions of Article in Contracts for Public Work.
- Sec. 6.17. Contract May Provide That Unavoidable Delays Shall Not Apply.
- Sec. 6.18. Rejection of Bids; Execution of Work by City.
- Sec. 6.19. Surety Bond to Accompany Bid; Notice Inviting Bid; Form of Bids.
- Sec. 6.19-1. Nonrefundable Fees for Bidding Documents.
- Sec. 6.20. Surety Bond Requirements for Public Works' Contracts; Approval by Controller; Failure to File Bond.
- Sec. 6.20-1. Forfeiture; Port Commission Contracts.
- Sec. 6.21. City to be Saved Harmless from All Damages, Costs, Infringement on Patent Rights, Copyrights, Etc.; Exceptions as to Airport Lighting System.

- Sec. 6.22. Articles Not to be Prison Made; Exception.
- Sec. 6.22-1. Assignment of Contracts.
- Sec. 6.23. Investigation of Bidder's Qualifications.
- Sec. 6.24. Contracts to be in Triplicate; Disposition of Copies.
- Sec. 6.25. Disqualification of Irresponsible Contractors; Effect of Disqualification.
- Sec. 6.26. Bids by City Departments.
- Sec. 6.27. Inspection and Acceptance of Completed Work; Acceptance in Writing Constitutes Authority to Pay.
- Sec. 6.28. Authorization and Performance of Work Costing Less Than Fifty Thousand Dollars.
- Sec. 6.29. Department Head May Sign Contracts Under Fifty Thousand Dollars; Approval and Certification of Contracts Exceeding Fifty Thousand Dollars.
- Sec. 6.30. Emergency Repairs, Work and Contracts.
- Sec. 6.31. Preference for Local Manufacturers and Industry.
- Sec. 6.32. Chapter Not Applicable to Work Paid for by Assessment of Private Property.
- Sec. 6.33. Applicability of Section 7.204 of Charter.
- Sec. 6.34. Rules and Regulations.
- Sec. 6.35. Charter and State Law Regarding Material Shall be a Part of Every Contract.
- Sec. 6.36. Definitions of "Public Work" and "Improvement."
- Sec. 6.37. Prevailing Wage Rate—Procedure.
- Sec. 6.38. Specifications to Include Wage Rate.
- Sec. 6.39. Subcontractors Bound by Wage Provisions.
- Sec. 6.40. Records to be Kept by Contractors and Subcontractors.
- Sec. 6.41. Noncompliance with Wage Provisions Voids Contract—Penalty.
- Sec. 6.42. Penalty and Forfeiture on Failure of Contractor to Pay Such Wage—Enforcement.
- Sec. 6.43. Hours and Days of Labor.
- Sec. 6.44. Contracts Outside City and County.
- Sec. 6.45. Additional Penalty—Irrresponsible Contractors—Disqualification.
- Sec. 6.46. Contractors and Subcontractors to Furnish Qualifications.
- Sec. 6.47. Bid May be Rejected for Lack of Qualifications or Equipment.
- Sec. 6.48. Provision in Bid or Offer for Designation of Subcontractors.
- Sec. 6.49. Failure to Specify Subcontractor; Effect.
- Sec. 6.50. Substitution, Assignment, or Subletting; Consent to Substitution.
- Sec. 6.51. Subletting or Subcontracting Portion of Work.
- Sec. 6.52. Violation of Chapter; Option of Awarding Officer, Board or Commission; Cancellation or Penalty or Both.
- Sec. 6.53. Government Funds Used—Law of United States to Prevail.

Sec. 6.54. Authorizing the Assumption of Damages Due to Earthquake in All Public Work or Improvement Contracts.

SEC. 6.1. BIDDING REQUIRED ON CONTRACTS EXCEEDING FIFTEEN THOUSAND DOLLARS; TIME FOR BIDDING. The several department heads and officers empowered by law to enter into contracts on the part of the City and County for public works or improvements to be performed at the expense of the City and County, or to be paid out of moneys deposited in the Treasury, or out of trust moneys under the control of or collected by the City and County, when the expenditures involved shall exceed the sum of \$15,000, shall let such contract to the lowest reliable and responsible bidder at any time not less than 10 days after the last date of publication or more than 30 days after receipt of bid unless the time for letting such contract be extended by resolution of the Board of Supervisors upon the recommendation of the department head, board or commission responsible for such award; provided, that whenever, in order to develop, implement or improve a qualifying affirmative action nondiscrimination program as required by Section 12B of the Administrative Code a period in excess of 30 days after receipt of bid shall be required, then such department heads or officers empowered to enter into contracts for public works or improvements to be performed for or on behalf of the City and County shall have an additional 30 days within which to let such contract to the lowest reliable and responsible bidder. (Amended by Ord. 104-82, App. 3/5/82)

SEC. 6.1-1. PORT COMMISSION; DEPARTMENT OF PUBLIC WORKS; TIME FOR AWARD OF CONTRACTS. Notwithstanding the provisions of Section 6.1 of this chapter, the Port Director, upon the approval of the Port Commission, may specify in its call for bids a period of time to award said bid exceeding 30 days or may extend the time of award of any such bid with the consent of the successful bidder, and the Director of Public Works, upon the approval of the Chief Administrative Officer may specify in his or her call for any bid for construction, reconstruction or alteration of or addition to any school building, for the protection of life and property, pursuant to the provisions of Article 4, Chapter 2, of the California Education Code, Sections 15451, et seq. (the Field Act), a period of time within which to award said bid exceeding 30 days, or may extend the time of award of any such bid with the consent of the successful bidder. (Amended by Ord. 346-73, App. 8/31/73)

SEC. 6.1-2. TIME FOR AWARD OF CONTRACTS FOR FEDERAL AND STATE GRANT PROJECTS. Notwithstanding the provisions of Section 6.1 of this chapter, the Director of Public Works, upon the approval of the Chief Administrative Officer, may award any contract, for which federal or state grant funds are available to the City and County within the period of time specified in the Special Provisions for any such contract, or within an extended period beyond such specified in the Special Provisions for any such contract, or within an extended period beyond such specified time with the consent of the successful bidder. (Added by Ord. 224-75, App. 5/29/75)

SEC. 6.1-3. PREVAILING RATES OF WAGE REQUIRED IN CONTRACTS FOR PERSONAL SERVICES; NONPROFIT MAKING ENTERPRISE EXCLUDED; SMALL BUSINESS EXEMPTION. The provisions of

this ordinance shall apply to every contract, lease, franchise, concession, permit or other agreement awarded, let or granted for or on behalf of the City and County of San Francisco by the San Francisco Airports Commission under which the contractor, lessee, franchisee, concessionaire or other party of said agreement (hereafter the "contracting party") will engage in an activity, render a service, or exercise a privilege on property subject to the jurisdiction of the San Francisco Airports Commission, or otherwise take measures that are supportive of, ancillary to, or an integral element of San Francisco International Airport.

This ordinance shall obligate the contracting party to pay not less than the prevailing rate of wage to any person performing personal services (as those terms are defined herein) on property under the jurisdiction of the San Francisco Airports Commission and shall further require the contracting party to include a similar provision in all subcontracts, subleases or other subordinated agreements let, awarded, negotiated or entered into by the contracting party with any third person which involves personal services to be performed on property under the jurisdiction of the San Francisco Airports Commission.

This ordinance shall not apply to the following:

(1) Personal services wherein the person performing personal services is paid a basic wage exclusive of fringe benefits in excess of \$40,000 annually or the hourly equivalent thereof, annually adjusted on July 1st based upon the Consumer Price Index for the San Francisco Bay Area, except when as a result of a determination of prevailing wage, said person's basic wage is increased to an amount in excess of that figure;

(2) Any permit issued by the San Francisco Airports Commission authorizing the permittee to engage in business on the property under the Commission's jurisdiction; provided, that the Commission finds that (a) the permittee has fewer than six employees or full-time equivalent employees working on City property, or (b) the permittee pays to the City less than \$10,000 in any calendar year for said permit and provided further that the permittee is not a subcontractor as defined herein. The \$10,000 limit shall be adjusted annually by the Commission to reflect changes in the Consumer Price Index;

(3) Subcontractors providing courier, delivery service, or repair service to contracting parties where the person performing the services spend less than 25 percent of their paid hours per week on property subject to the jurisdiction of the San Francisco Airports Commission;

(4) Contracts between the San Francisco Airports Commission or The City and County of San Francisco for the provision of personal services to be rendered to the San Francisco Airports Commission or to the City and County of San Francisco which contracts are exempt from the civil service provisions of the Charter pursuant to Charter Section 8.300.

(a) **Definitions.** The following definitions shall apply to the terms used herein:

"Concession" shall mean and include a grant of land or other property under the jurisdiction of the San Francisco Airports Commission by or on behalf of the City and County of San Francisco by the San Francisco Airports Commission to a person for the purpose or use specified in said grant.

"Concessionaire" shall mean and include a person who is the grantee or beneficiary of a concession as herein defined.

"Contract" shall mean and include any agreement involving personal services in the performance of a contract, lease, franchise, concession, permit or other agreement awarded, let or granted for or on behalf of the City and County of San Francisco by the San Francisco Airports Commission or to be performed at any facility owned, leased or otherwise under the jurisdiction of the San Francisco Airports Commission; provided, however, that the term "contract" shall not include contracts let by the City and County of San Francisco pursuant to Charter Section 8.300-1.

"Contractor" shall mean and include any person who submits a bid and/or enters into a contract with the City and County of San Francisco by and through the San Francisco Airports Commission, or for a franchise, concession or lease of property, or for personal services to be purchased at the expense of the City and County or to be paid out of moneys deposited in the treasury or out of trust moneys under the control of or collected by the City and County where the work will be performed or the franchise or concession authorizes business activity on or the lease of property involves land under the jurisdiction of the San Francisco Airports Commission.

"Franchise" shall mean and include a right or privilege conferred by grant from the San Francisco Airports Commission, and vesting in and authorizing a person to conduct such business or engage in such activity on property subject to the jurisdiction of the San Francisco Airports Commission as is specified in such grant.

"Franchisee" shall mean and include a person who is the grantee or beneficiary of a franchise as herein defined.

"Lease" shall mean and include any agreement, permit or license by which the San Francisco Airports Commission grants to a person the temporary possession and use of property under the jurisdiction of the San Francisco Airports Commission for reward, and the latter agrees to return the same to the former at a future date.

"Lessee" shall mean and include a person or tenant taking possession of property under a lease as herein provided, and further includes a bailee under a bailment agreement providing a rental for personal property; provided, that the lease or bailment involves property under the jurisdiction of the San Francisco Airports Commission.

"Permit" shall mean and include an authorization by or on behalf of the City and County of San Francisco through the San Francisco Airports Commission authorizing a person to engage in such activity or to perform such personal services as are specified in such authorization on property under the jurisdiction of the San Francisco Airports Commission.

"Person" shall include any individual, firm, proprietorship, partnership, corporation or combination thereof.

"Personal services" shall mean and include all labor other than executive or managerial services or labor on public works and improvements.

"Prevailing rate of wage" shall be that rate of compensation being paid to a majority of workers engaged in a specified category of personal services, if a majority of such workers be paid at a single rate; if there be no single rate being paid

to a majority, then the prevailing rate shall be that single rate being paid the greatest number of workers. Prevailing rate of wage shall have the same meaning as set forth in Section 16012, Title 8, California Administrative Code.

"Subcontract" shall mean and include any agreement under or subordinate to a prime contract, lease, franchise, concession, permit or other agreement awarded, let or granted for or on behalf of the City and County of San Francisco by the San Francisco Airports Commission.

"Subcontractor" shall mean and include any person who enters into an agreement with a contracting party to perform services authorized or allowed by the contract, lease, franchise, concession, permit or other agreement as defined by this ordinance.

"Sublease" shall mean and include a lease (as herein defined) by which a lessee or tenant grants or lets to another person part or all of the leased property for a shorter term than the original lease and under which said lessee or tenant retains some right or interest under the original lease.

"Verified complaint" shall mean a written complaint alleging violation of this ordinance. This verified complaint shall name the injured party or parties, the specified category of personal services about which the complaint is being filed, and the party alleged to be violating this ordinance. The verified complaint shall also contain supporting evidence including facts and figures on compensation paid for private sector employment in the specified category of personal services, including the names and addresses of those firms cited. This statement shall be accompanied by an affidavit attesting to its truth and accuracy by the party filing the complaint.

(b) **Determination of Prevailing Rate of Wage.** The Civil Service Commission shall, upon request, assist a prospective bidder, contracting party or subcontractor to determine the prevailing rate of wage for a given category of personal services by: (1) sharing the results of pertinent prevailing wages surveys or determinations which the Civil Service Commission has conducted or obtained, or (2) referring the prospective bidder, contracting party or subcontractor to agencies or organizations that might assist them in determining the prevailing rate of wage.

Upon receipt of a verified complaint from the San Francisco Airports Commission, the Civil Service Commission shall determine the specified category of personal services for which the complaint is being filed. If the Civil Service Commission determines that the complaining party is performing personal services in a specified category other than the one listed in the complaint, the complaining party shall be given 30 days to further supplement the evidence already submitted in his or her verified complaint.

The Civil Service Commission, shall, within 45 days of receipt of the complaint, determine the prevailing rate of wage for the specified category of personal services, and immediately forward that determination to the San Francisco Airports Commission.

In furtherance of this purpose, the Civil Service Commission shall conduct or obtain a survey of wages and benefits paid in private sector employment for similar work in the San Francisco Standard Metropolitan Statistical Area. Where similar work is not being performed in the San Francisco Standard Metropolitan Statistical Area or is being performed in such insignificant quantities as to render data unreliable for purposes of comparison, the Civil Service Commission shall determine the prevailing rate of wage in San Mateo County.

In conducting a survey to determine the prevailing rate of wage for a specified category of personal services, the Civil Service Commission, or any contracting agency thereof, shall exclude from its survey the wages and benefits paid by the responding party.

In making its determination with respect to the prevailing rate of wage for a specified category of personal services, the Civil Service Commission shall consider, but its determination shall not be limited to, wages and benefits established through bona fide collective bargaining agreements for similar work in the San Francisco Standard Metropolitan Statistical Area.

The Civil Service Commission may make an initial determination that the complaint provides insufficient evidence to suggest a possible violation of this ordinance and may dismiss the complaint on that basis, furnishing the complaining party a written explanation of its determination.

The determination of the prevailing rate of wage by the Civil Service Commission shall be final and binding on all other boards and commissions of the City and County of San Francisco.

(c) Complaints; Investigation and Hearing. Any affected employee, job applicant, contractor, or employee organization representing employees or applicants shall have standing to pursue the enforcement of the prevailing wage provisions of this ordinance against any person, lessor, franchisor, contractor, concessionaire, subcontractor, lessee or franchisee before the San Francisco Airports Commission.

Upon the filing of a verified complaint with the San Francisco Airports Commission, with proof of service on the responding party or parties by certified or registered mail, by any person or organization, as described herein, alleging a violation of the provisions of this ordinance, the San Francisco Airports Commission shall request a determination by the Civil Service Commission of the prevailing rate of wage applicable to the personal services that are the subject matter of the complaint, and forward a copy of the verified complaint to the Civil Service Commission.

Promptly upon receipt of the prevailing wage determination by the Civil Service Commission, the San Francisco Airports Commission shall make a full investigation of the matter and shall, within 15 days of receipt of the determination of the Civil Service Commission, hold a hearing thereon. Said hearing shall afford to the responding party or parties and the complaining party or parties a full and adequate opportunity to submit evidence regarding the alleged violations of the provisions of this ordinance. Said hearings, however, may not inquire into the Civil Service Commission's determination of the prevailing rate of wage.

The President of the San Francisco Airports Commission shall have the power to administer oath to witnesses in said hearings under this Section. In the event that any person shall fail or refuse to appear as a witness in any such proceeding after being requested to do so, and if it shall appear to the San Francisco Airports Commission that his or her testimony, or books, records, documents or other things under his or her control are material and relevant as evidence in the matter under consideration in the proceeding, the presiding officer may subpoena such person, requiring his or her presence at the proceeding, and requiring him or her to bring such books, records, documents or other things under his or her control.

If any contracting party or subcontractor shall fail to appear at said hearing after having been given written notice to appear, such failure to appear shall be grounds for cancellation of the contract or subcontract and such contracting party or subcontractor shall be deemed to have forfeited all rights, benefits, and privileges thereunder.

Within 15 days of the close of the hearing, the San Francisco Airports Commission shall issue a written decision regarding the alleged violation, and shall serve copies on all parties to the proceedings.

(d) Violation of Ordinance; Option of Awarding Officer, Board or Commission; Cancellation or Penalty or Both. Any contracting party or subcontractor found to have violated the provisions of this ordinance shall have the opportunity to correct the violation within 30 days and shall submit to the San Francisco Airports Commission documentary evidence, including but not limited to payroll records, the truth and accuracy of which is attested to by affidavit, as proof of compliance with the provisions of this ordinance. Failure to correct the violation of this ordinance or failure to submit certified proof of compliance, or misrepresentation of proof of compliance shall constitute a material breach of contract and the San Francisco Airports Commission is empowered to: (1) cancel the contract, or (2) require the forfeiture by the contracting party or subcontractor of \$100 per day for such laborer employed for each calendar day or portion thereof while he or she shall be so employed and not paid the prevailing rate of wage or, in the alternative, assess a penalty in an amount not more than 10 percent of the dollar amount of the contract or subcontract, such sums to be deposited in the fund out of which the contract is awarded, or (3) both cancel the contract and assess the forfeiture or penalty. The contractor and subcontractor shall be jointly and severally liable for any dollar penalty or forfeiture assessed against the subcontractor. If the San Francisco Airports Commission cancels the contract, no recovery shall be had thereon by the contractor or subcontractor.

(e) Additional Penalty; Irresponsible Contractors; Disqualification. In addition to any other penalties herein provided for violation of the provisions of this ordinance, any person obligated to pay prevailing wages hereunder who is found willfully to have failed and neglected to pay said prevailing wages shall be declared an irresponsible bidder by the San Francisco Airports Commission and shall not be awarded, let or granted any contract, lease, franchise, permit or concession by or on behalf of the City and County for a period of two years thereafter.

(f) City and County Not Liable in Money Damages. In undertaking to impose on its contractors and subcontractors the above-described obligation to pay prevailing rates of wage, the City and County of San Francisco is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(g) Application to Existing Contracts. To the extent permitted by law, as of its effective date this ordinance shall apply to all existing contracts, with or on behalf of the City and County of San Francisco subject to the jurisdiction of the San Francisco Airports Commission, and to all subcontracts existing pursuant thereto, to the extent those contracts are expressly subject to the application of lawful

ordinances enacted after the date the contracts were executed. No person performing personal services as described herein shall suffer a reduction in wages, working conditions, practices or fringe benefits as a result of the adoption of this ordinance.

(h) **Notification.** The San Francisco Airports Commission shall notify all prospective bidders and all contracting parties of their requirements under this ordinance.

(i) **Empowerment.** The San Francisco Civil Service Commission is hereby granted the power to do all acts and exercise all powers referred to in Section 6.1-3(b) hereof.

The San Francisco Airports Commission is hereby granted the power to do all acts and exercise all powers referred to in Section 6.1-3(c), (d), and (e) hereof.

(j) **Small Business Exemption.** This ordinance shall not apply to any contracting party employing less than 10 employees. Subcontractors or contracting parties are not subject to this exemption unless the number of employees of the contracting party and subcontractor combined is still less than 10. For purposes of this exemption, the term "employees" excludes owner-operators and members of the owner-operators' immediate family.

The San Francisco Airports Commission is hereby authorized and empowered to relieve a contracting party from the provisions of this ordinance if the party is operating an air carrier service exclusively utilizing aircraft having a passenger capacity of not more than 60 seats or a payload capacity of not more than 18,000 pounds and if the Airports Commission finds, after a noticed public hearing, that the application of the provisions of this ordinance to such contracting party would impose a disproportionately heavier financial burden on such contracting party than on other air carriers.

(k) **Nonprofit Making Enterprises Exemption.** Contracting parties who are nonprofit making enterprises are not subject to the requirement to pay prevailing rates of wage pursuant to the provisions of this ordinance. This exemption, however, merely denotes a determination by the Board of Supervisors that wage policies of nonprofit making enterprises require consideration of different factors and should be addressed by separate legislation.

(l) **Pre-emption; Collective Bargaining Agreements.** The prevailing wage provisions of this ordinance shall apply to all persons performing personal services covered hereunder, regardless of whether there is a collective bargaining agreement establishing the hours, wages and other terms and conditions of employment of said persons, to the extent the prevailing rate of wage as determined hereunder is higher than the wages and benefits established by the collective bargaining agreement. However, this ordinance shall not confer upon the City and County of San Francisco or any officer, board, commission or other agency thereof any power not otherwise provided by law to determine the legality of any collective bargaining agreement, nor shall anything in this ordinance be interpreted or applied so as to create any power or duty in conflict with the pre-emptive effectiveness of any federal or state law.

(m) **Severability.** If any part or provision of this ordinance or the application thereof to any person or circumstance is held to be invalid, the remainder of the

ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this ordinance are severable.

(n) **Post-Adoption Review.** The San Francisco Airports Commission and the San Francisco Civil Service Commission shall submit reports to the Board of Supervisors not later than 12 months after the ordinance goes into effect. These reports shall discuss generally the effectiveness of this ordinance in addressing the problems outlined in the findings, the need for further legislation, and alternative methods whereby the objectives of the ordinance can be more effectively carried out. These reports shall further contain recommended legislative changes as deemed appropriate by the Airports Commission and the Civil Service Commission. (Added by Ord. 140-84, App. 4/11/84; amended by Ord. 470-86, App. 12/8/86)

SEC. 6.1-4. FINANCIAL AND BOND COUNSEL CONTRACTS. (a)

Prior to the award of any contract or other agreement for bond counsel services, the awarding department, board, commission or authority, shall publish an announcement of intent to award such contract or agreement. The announcement shall be published at least once in a newspaper of general circulation in San Francisco, shall generally describe the services required, the activity or project to be financed by proceeds of bonds, notes or other evidence of indebtedness and qualifications required of bond counsel. The announcement required by this Section shall be published sufficiently in advance of the award of any contract or other agreement to permit the awarding board, commission or authority, time to receive and evaluate responses to the announcement. The announcement, responses and any final written evaluation of the responses by the awarding department, board, commission or authority shall be a public record.

(b) Prior to the award or grant of any contract or other agreement for financial or underwriting services, the awarding or granting department, board, commission or authority, shall publish an announcement of intent to award such contract or agreement. The announcement shall be published at least once a month in a daily newspaper of national distribution, available in San Francisco, shall generally describe the services required, the activity or project to be financed and qualifications required of the financial consultant or underwriter. The announcement required by this Section shall be published sufficiently in advance of the award of any contract or other agreement to permit the awarding department, board, commission or authority, time to receive and evaluate responses to the announcement. The announcement, responses and any final written evaluation of the responses by the awarding department, board, commission or authority, shall be a public record. (Added by Ord. 445-86, App. 11/13/86)

SEC. 6.2. LETTING OF CONTRACTS FOR DEMOLITION OF CITY-OWNED BUILDINGS. The Director of Property shall be the department head empowered to award all contracts, subject to the provisions of this Chapter, for the demolition and razing of all city-owned buildings which have little or no salvage value and which must be destroyed in order to effectuate a public improvement. (Ord. No. 6330 (1939), Sec. 1)

SEC. 6.3. ACCEPTANCE OF OTHER THAN LOWEST BIDS; REPORTS. If the officer or department head empowered to award a contract

exceeding \$15,000 believes that the public interest would be best served by accepting other than the lowest gross price or unit cost bid, and the contract is entered into with another bidder, written report shall be made immediately to the Chief Administrative Officer, the Mayor and the Controller by the officer authorized to execute the contract, with the reasons for failure to accept such lowest bid. (Amended by Ord. 104-82, App. 3/5/82)

SEC. 6.4. QUALIFYING AWARDS OF CONTRACT REQUIRING FEDERAL AGENCY APPROVAL. Whenever a department head, board or commission has advertised for bids under this chapter and the performance of the work is dependent upon the approval of any federal agency and such approval has not been received at the time of making the award of contract, the department head, board or commission shall in making the award of contract as provided in Sections 6.1 and 6.3 of this Code, qualify the award of contract as follows:

This award of contract shall be subject to all of the laws, rules, regulations and provisions of the United States government or any of its agencies, and in the event the award of contract may be found to be in conflict therewith, no liability shall attach to the City and County of San Francisco, its officers, boards or commissions. If within 60 days of the award of contract, permission is not granted by the federal agency to proceed with the work, the responsible department head, board or commission shall cancel the award of contract and there shall be no liability upon the City and County of San Francisco by reason of the cancellation of said award of contract. (Ord. 9046 (1939), Sec. 3)

SEC. 6.5. COMPARISON OF BIDS ON BASIS OF TIME OF COMPLETION; NOTICE OF AWARD TO BE PUBLISHED. The department head concerned is authorized to compare bids on the basis of time of completion, and any contract awarded in consideration, in whole or in part, of the relative time estimate of bidders for completion of the work, shall be subject to the provisions of Section 7.203 of the Charter. Notice of award shall be published. (Ord. No. 4792 (1939), Sec. 4)

SEC. 6.6. ALTERATIONS, MODIFICATIONS, ETC., INCREASING OR DECREASING PRICE; EXCESS COST ON UNIT COST BASIS. (a) **Increasing Contract Price.** Alterations, modifications or extras in any contract, which will increase the contract cost, may be made or allowed only on the written recommendation of the department head responsible for the supervision of the contract, together with the approval of the Chief Administrative Officer or the board or commission, as the case may be, and also the approval of the Controller, stating the increased price to be paid by reason thereof.

(b) **Decreasing Contract Price.** Allowances, modifications or credits in any contract which will decrease the contract cost may be made or allowed only upon recommendation of the department head responsible for the supervision of the contract, together with the approval of the Chief Administrative Officer or board or commission, as the case may be, and also the approval of the Controller, stating the amount to be deducted from the amount to be paid under the contract.

(c) **Unit Cost Basis.** In the performance of any contract awarded on the unit and the unit cost basis, if the department head concerned ascertains that the

amount of work done or to be done shall exceed the estimated amount of the contract by 10 percent or more, the excess cost shall be provided for as prescribed by Section 6.306 of the Charter, relative to supplemental appropriations. (Ord. No. 4792 (1939), Sec. 6)

SEC. 6.7. GRANT OF EXTENSION IN TIME; EXTENSIONS TO BE IN WRITING. The awarding officer, board or commission may extend the time for completion of the work under a contract, upon the awarding officer, board or commission finding that such work cannot be completed within the specified time because of an unavoidable delay, as restricted in this Chapter. Such extensions shall be in writing, but in no event shall any extension be granted subsequent to the issuance of a certificate of final acceptance. (Ord. No. 9484 (1939), Sec. 1)

SEC. 6.8. CONTRACTOR TO GIVE NOTICE OF DELAY; NOTICE TO CONSTITUTE APPLICATION FOR EXTENSION. The contractor shall promptly notify the awarding officer, board or commission, in writing, of all anticipated delays in the prosecution of the work and, in any event, promptly upon the occurrence of a delay, the notice shall constitute an application for an extension of time only if the notice requests such extension and sets forth the contractor's estimate of the additional time required, together with a full recital of the causes of unavoidable delays relied upon. The awarding officer, board or commission may take steps to prevent the occurrence or continuance of the delay, may classify the delay as avoidable or unavoidable and may determine to what extent the completion of the work is delayed thereby. (Ord. No. 9484 (1939), Sec. 1)

SEC. 6.9. DELAYS DEEMED UNAVOIDABLE. Unavoidable delay is an interruption of the work beyond the control of a contractor and which interruption the contractor could not have avoided by the exercise of care, prudence, foresight and diligence.

Such delays include and are limited to acts of God; acts of the public enemy; adverse weather conditions; fires; floods; windstorms; tornadoes; wars, riots; insurrections; epidemics; quarantine restrictions; strikes; lockouts; sitdowns; slow-downs; other labor trouble; labor shortages; inability of contractor to procure labor; material shortages; inability of contractor to procure material; fuel shortages; freight embargoes; accidents; acts of a governmental agency; priorities or privileges established for the manufacture, assembly or allotment of materials by order, decree or otherwise of the United States or by any department, bureau, commission, committee, agent or administrator of any legally constituted public authority; changes in the work ordered by the contracting officer, board or commission insofar as they necessarily require additional time in which to complete the entire work; the prevention by the City and County of a contractor from commencing or prosecuting the work; the prevention of a contractor from commencing or prosecuting the work because of the acts of others, excepting the contractor's subcontractors; the prevention of a contractor from commencing or prosecuting the work because of the failure of the City and County to furnish the necessary materials, when required by the terms of a contract and when requested by the contractor in the manner provided in the contract; and, inability to procure or failure of public utility service.

The duration of unavoidable delays shall be limited to the extent that the commencement, prosecution and completion of the work are delayed thereby, as determined by the awarding officer, board or commission. (Ord. No. 9484 (1939), Sec. 1)

SEC. 6.10. EXTENSION OF TIME FOR DELAYS NOT STATED IN PRECEDING SECTION. Upon the recommendation of the awarding officer, board or commission, the Board of Supervisors may provide by resolution for extensions of time relating to specific contracts for causes other than those stated in the preceding section which the contractor could not have avoided by the exercise of care, prudence, foresight and diligence. (Ord. No. 9484 (1939), Sec. 1)

SEC. 6.11. AVOIDABLE DELAYS IN COMPLETING CONTRACTS. Avoidable delays in the prosecution or completion of any work shall include:

(a) All delays which could have been avoided by the exercise of care, prudence, foresight and diligence on the part of the contractor;

(b) Delays in the prosecution of parts of the work, which may in themselves be unavoidable, but do not necessarily prevent or delay the prosecution of other parts of the work, nor the completion of the whole work within the time specified;

(c) Reasonable delays resulting from time required by the City and County for approval of plans submitted by the contractor and for the making of surveys, measurements and inspections; and

(d) Delays arising from interruptions occurring in the prosecution of the work on account of the reasonable interference from other contractors employed by the City and County, which do not necessarily prevent the completion of the whole work within the time specified. (Ord. No. 9484 (1939), Sec. 1)

SEC. 6.12. TIME EXTENSION NOT WAIVER OF CITY'S RIGHTS. The granting of an extension of time because of unavoidable delays shall in no way operate as a waiver on the part of the City and County or the awarding officer, board or commission of the right to collect liquidated damages for other delays or of the right to collect other damages or of any other rights to which the City and County is entitled. (Ord. No. 9484 (1939), Sec. 1)

SEC. 6.13. LIQUIDATED DAMAGES. Any contract may provide a time within which the contract work, or portions thereof, shall be completed and may provide for the payment of agreed liquidated damages to the City and County for every calendar or working day thereafter during which such work shall be uncompleted.

In every contract for construction, repair, or renovation exceeding the amount specified in Section 6.1 of this Chapter, there shall be a provision establishing a time for completion in calendar or working days and establishing liquidated damages to the City and County for every calendar day thereafter during which such work shall be uncompleted.

The execution of a contract by a contractor shall constitute his or her acknowledgment and agreement that the City and County will sustain damages not less than

the amount fixed in the contract for each and every day of delay beyond the expiration of the time fixed for such completion or extensions of such time as have been allowed pursuant to the provisions of this Chapter.

When the actual progress of the work indicates that completion of the work may be delayed beyond the original or extended contract time for completion of the entire work, a sum representing the projected liquidated damages shall be deducted from any money due or to become due to the contractor should the contractor fail to demonstrate to the contracting authority's satisfaction that the work will be completed within the contract time.

Such deduction shall be considered not as a penalty, but as the agreed monetary damage sustained by the people of the City and County because the contractor failed to perform and complete the work within the time fixed for completion or such extensions of such times as have been allowed pursuant to the provisions of this Chapter.

Should the money due or to become due to the contractor be insufficient to cover such agreed liquidated damages, then the contractor forthwith shall pay the remainder to the City and County. (Amended by Ord. No. 499-79, App. 10/12/79)

SEC. 6.14. CITY WILL NOT PAY DAMAGES FOR DELAYS EXCEPT UNDER SPECIAL CIRCUMSTANCES. No damages or compensation of any kind shall be paid to a contractor because of delays in the progress of the work, whether such delays be avoidable or unavoidable; provided, however, the City and County may pay for (1) delays caused to the contractor by the City and County; and (2) such unavoidable delays as may be specifically stated in the contract. Such latter delays will be compensated for only under the conditions specified in the contract. (Amended by Ord. No. 499-79, App. 10/12/79)

SEC. 6.14-1. TERMINATION FOR CONVENIENCE. In all contracts for the construction of any public work or improvement, the awarding officer, board or commission authorized to let or enter into any contract for any public work or improvement may include in the specifications setting forth the terms and conditions for the performance of said contract a provision that the City and County may terminate the performance of work under the contract whenever the awarding officer, board or commission shall determine that such termination is in the best interest of the City and County. Any such termination shall be effected by delivery to the contractor of a notice of termination specifying the extent to which performance of work under the contract is terminated and the date upon which such termination becomes effective. The awarding officer, board or commission is hereby authorized to include within such construction contract the appropriate language to implement this Section. (Added by Ord. No. 499-79, App. 10/12/79)

SEC. 6.15. NO EXTENSIONS GRANTED WHEN CONTRACT BASED ON TIME ESTIMATES; EXCEPTIONS. When any award of contract has been made in consideration, in whole or in part, of the relative time estimates of bidders for the completion of the work, the provisions of Sections 6.9, 6.10 and 6.11 of this Code shall not apply and no extension of time may be granted on such contract beyond the time specified for completion, unless the liquidated damages

for each day the work is uncompleted beyond the specified time shall be collected; provided, however, that this shall not apply to unavoidable delays due to acts of God. (Ord. No. 9484 (1939), Sec. 1)

SEC. 6.16. INCORPORATION OF PROVISIONS OF ARTICLE IN CONTRACTS FOR PUBLIC WORK. The provisions of Sections 6.7 to 6.15 of this Code shall be included in every contract or specification for every public work or improvement, as public work or improvement is defined in Ordinance No. 9.0923 and Part II, Chapter X, Article 3, Section 75 of the San Francisco Municipal Code, whenever such contract and the published notice soliciting sealed bids therefor provide for liquidated damages to the City and County for every day during which the contract is uncompleted beyond a specified time. (Ord. No. 9484 (1939), Sec. 1)

SEC. 6.17. CONTRACT MAY PROVIDE THAT UNAVOIDABLE DELAYS SHALL NOT APPLY. The awarding officer, board or commission may provide in any particular contract, using specific language, that interruption of the work due to one or more of the causes of unavoidable delays set forth in Section 6.9 of this Code is not a cause of an unavoidable delay under that particular contract. The awarding officer, board or commission may also provide in any contract that one or more causes of unavoidable delay set forth in Section 6.9 of this Code shall be restricted to circumstances specified in the contract. (Ord. No. 9484 (1939), Sec. 1)

SEC. 6.18. REJECTION OF BIDS; EXECUTION OF WORK BY CITY. The department head, with the approval of the Chief Administrative Officer, or the department head, with the approval of the board or commission to which he or she is responsible, may reject any and all bids and readvertise for bids. When bids have been invited pursuant to the required procedure and no bid is received, or where all bids received are for the same total amount or unit price, the department head, with the approval of the Chief Administrative Officer, or the department head, with the approval of the board or commission to which he or she is responsible, may order the related work to be executed in the most expeditious manner, provided, however, that the price paid for such work shall not exceed any bid price received for the same work. (Ord. No. 6600 (1939), Sec. 1)

SEC. 6.19. SURETY BOND TO ACCOMPANY BID; NOTICE INVITING BID; FORM OF BIDS. In any case, when the expenditure for the construction, reconstruction or repair of public buildings, streets, utilities or other public works or improvements shall, as estimated by the department head, exceed the sum of \$15,000 the bids referred to by this Chapter shall be sealed, directed to the department head or officer calling for the bids, and shall be accompanied by a corporate surety bond or by a certified check on a solvent bank of the State, payable on sight to the City and County, the amount of which corporate surety bond or certified check shall be fixed by the department head or officer and stated in the advertisement, which amount shall not be less than 10 percent of the amount bid for the cost of the proposed work or improvement, and no proposal shall be considered unless accompanied by such bond or check.

Notices inviting sealed bids under the conditions of this Section must be published in accordance with the provisions of Section 10.100 of the Charter, and at

least five calendar days must intervene between the date of publication and the time for filing such sealed bids or proposals. Such notices shall state in general terms the conditions of the proposed contract; and if progressive payments are to be provided under any contract in accordance with Section 7.202 of the Charter, or if any contract is to be let on the basis of a gross price or cost per unit of work to be performed or on the basis of time of completion, with liquidated damages for every day during which the contract is uncompleted beyond such specified date in accordance with Section 7.203 of the Charter, such notice shall so state. Each advertisement for bids shall contain the reservation of the right to reject any and all bids.

All bids shall be filed on forms furnished by the department head concerned, and all bids not so filed shall be rejected. All bids received as herein provided shall be publicly opened by the proper department head or officer at the time and place to be stated in the advertisement for proposals, and after tabulation, bidders may inspect the accepted low bid. Bids with alterations or erasures therein shall be rejected. When specifications do not include alternative proposals, statements or communications accompanying bids which serve to qualify such bids shall not be considered in making awards, and will disqualify bidders. (Amended by Ord. No. 104-82, App. 3/5/82)

SEC. 6.19-1. NONREFUNDABLE FEES FOR BIDDING DOCUMENTS. The department head or officer calling for bids may specify in the advertisement for bids for any project a nonrefundable fee to be paid by each prospective bidder for each set of bidding documents (including plans and specifications), such fee to defray the cost of reproducing each set of bidding documents as determined by the department head or officer, and all such fees shall be deposited as an abatement of the expenditure of the appropriation against which the cost of reproducing said bidding documents was charged. (Added by Ord. No. 137-77, App. 4/22/77)

SEC. 6.20. SURETY BOND REQUIREMENTS FOR PUBLIC WORKS' CONTRACTS; APPROVAL BY CONTROLLER; FAILURE TO FILE BOND. Before the execution of any contract for public works or improvements, the department head or officer authorized to enter into such contracts shall require the successful bidder to file corporate surety bonds for the faithful performance thereof and to guarantee the payment of wages for services engaged and of bills contracted for material, supplies and equipment used in the performance of the contract. The bond shall be for a sum not less than 50 percent of the award.

The Controller shall approve the sufficiency and qualifications of all sureties as required under the provisions of this Chapter.

If any bidder to whom the contract is awarded under the provisions of this chapter shall for 10 days after such award fail or neglect to enter into the contract and file the required bond, the department head or officer in whom authority to execute the contract is vested shall deposit the corporate surety bond or certified check referred to in Section 6.19 of this Code with the Treasurer for collection and the proceeds thereof shall be retained by the City and County as liquidated damages for the failure of such bidder to enter into such contract, unless upon recommendation of the department head or officer authorized to execute the contract, together

with the approval of the Chief Administrative Officer, board or commission, the Board of Supervisors, by resolution, approves the return of such bond or check. (Ord. No. 4792 (1939), Sec. 9)

SEC. 6.20-1. FORFEITURE; PORT COMMISSION CONTRACTS. If forfeiture is made under Section 6.20 by a bidder on a proposed contract with the Port Commission, the funds forfeited shall be deposited in the Harbor Trust Fund created under Section 6.406 of the Charter. (Added by Ord. 118-70, App. 4/8/70)

SEC. 6.21. CITY TO BE SAVED HARMLESS FROM DAMAGES, COSTS, INFRINGEMENT ON PATENT RIGHTS, COPYRIGHTS, ETC.; EXCEPTIONS AS TO AIRPORT LIGHTING SYSTEM. Each contractor must save, keep, bear harmless and fully indemnify the City and County and any of its officers or agents from all damages or claims for damages, costs or expenses in law or equity that may at any time arise or be set up for any infringement of the patent rights, copyright or trademark of any person in consequence of the use by the City and County, or any of its officers or agents, of articles to be supplied under the contract and of which the contractor is not the patentee or assignee or has not the lawful right to sell the same; except, at the option of the department head concerned and with the approval of the City Attorney and the Chief Administrative Officer, board or commission concerned, any contractor may be exempted from the provisions of this Section in consequence of the use of the installation of projectors for a high intensity airport lighting system for the landing and takeoff of aircraft if such system is in accordance with the requirements of the specifications of the United States of America in projects wherein federal funds are granted and used; and, provided, that funds are available and have been set aside by the Controller to meet any liability which may exist in connection with such installation. (Ord No. 5918 (1939), Sec. 1)

SEC. 6.22. ARTICLES NOT TO BE PRISON MADE; EXCEPTION. No article furnished under any contract made under the provisions of this Chapter shall have been made in a prison or by convict labor except for articles made in prisons or by convicts under the supervision and control of the California Department of Corrections and limited to articles for use by the City and County's detention facilities. (Amended by Ord. 304-68, App. 10/25/68)

SEC. 6.22-1. ASSIGNMENT OF CONTRACTS. No contract shall be assigned except upon the recommendation of the department head concerned and with the approval of the Chief Administrative Officer, relative to the department under his or her jurisdiction, or the approval of the board or commission concerned for departments not under the Chief Administrative Officer. (Added by Ord. 304-68, App. 10/25/68)

SEC. 6.23. INVESTIGATION OF BIDDER'S QUALIFICATIONS. The officer responsible for the awarding of any contract shall require from all bidders information concerning their experience and financial qualifications. as

provided by general law relative to such investigations authorized by the Director of Public Works, and shall take such information into consideration in the award of any contract. (Ord. No. 4792 (1939), Sec. 12)

SEC. 6.24. CONTRACTS TO BE IN TRIPPLICATE; DISPOSITION OF COPIES. All contracts, extras and credits shall be executed in triplicate; the original to be retained by the officer or department head making the award; one copy to be filed with the Controller and one copy to be given to the contractor. (Ord. No. 4792 (1939), Sec. 13)

SEC. 6.25. DISQUALIFICATION OF IRRESPONSIBLE CONTRACTORS; EFFECT OF DISQUALIFICATION. Any contractor who fails to live up to the terms of his or her contract may by the joint action of the head of the department concerned and the Controller be declared an irresponsible contractor and shall not for a period of one year be awarded any further contract, unless on the joint action of the head of the department concerned and the Controller such disqualification is removed. (Ord No. 4792 (1939), Sec. 14)

SEC. 6.26. BIDS BY CITY DEPARTMENTS. Appropriate City and County departments may file sealed bids for the execution of any work to be performed under a contract and shall not be required to furnish security or submit information relative to financial qualifications as provided in this Chapter. Any bid submitted by a department of the City and County, if it is the lowest bid, must be approved by the Controller before the award of contract. If the bid of a City and County department, as investigated and approved by the Controller, is the lowest, the contract shall be awarded to the department and accurate unit costs shall be kept of all direct and indirect charges incurred by the department under any such contract, which unit costs shall be reported to and audited by the Controller monthly and on completion of the work; provided, that in the execution and performance of any contract awarded to a City and County department under the provisions of Section 7.200 of the Charter, not less than the wage scale fixed by the Board of Supervisors in the prevailing wage resolution in effect at the time of the award of the contract shall be paid to employees performing work under such contract. (Ord. No. 4792 (1939), Sec. 15)

SEC. 6.27. INSPECTION AND ACCEPTANCE OF COMPLETED WORK; ACCEPTANCE IN WRITING CONSTITUTES AUTHORITY TO PAY. The department head authorized to award any contract for public works or improvements shall be responsible for the inspection and acceptance of such work on completion. Such acceptance shall be in writing and shall include the certificate of the department head concerned that the work covered by the contract has been fully and satisfactorily completed in accordance with the plans and specifications therefor. Receipt of copy of such acceptance in writing shall constitute the Controller's authority to complete any payments due the contractor under the contract; provided that the Controller may make such additional investigation or inspection as is provided by Section 6.303 of the Charter. (Ord. No. 4792 (1939), Sec. 16)

SEC. 6.28. AUTHORIZATION AND PERFORMANCE OF WORK COSTING LESS THAN FIFTY THOUSAND DOLLARS. Generally, Any construction, reconstruction or repair of public buildings, streets, utilities or other public work or improvement estimated to cost less than \$50,000 may be performed under contract or written order or by the employment of the necessary labor and purchase of the necessary materials and supplies directly by the City and County. Any public work or improvement executed by the City and County other than routine repair work shall be authorized by the Chief Administrative Officer or by the heads of the department not under the Chief Administrative Officer only after detailed estimates have been prepared and submitted by the head of the department concerned. Any public work or improvement costing less than \$50,000 and not performed by the use of City and County labor, materials and supplies shall, if not performed under contract, be covered by written order or agreement, which shall be based on not less than three bids, notice of which shall be given by three days' posting.

Unit Cost to be Determined. It shall be the duty of the Controller to determine, where practicable, the unit cost of work done by the City and County for the purpose of determining whether similar work could be done under public contract at a lower cost.

Records and Approval. The Controller shall maintain records of bids filed by departments in relation to the total direct and indirect cost of each such work and shall report thereon periodically to the Mayor and Chief Administrative Officer. The Controller may refuse to approve contracts with a department shown to be repeatedly underbidding on contract work and failing to complete same within the contract price. (Amended by Ord. 404-86, App. 10/3/86)

SEC. 6.29. DEPARTMENT HEAD MAY SIGN CONTRACTS UNDER FIFTY THOUSAND DOLLARS; APPROVAL AND CERTIFICATION OF CONTRACTS EXCEEDING FIFTY THOUSAND DOLLARS. The department head shall have the power to sign any contract when the estimated expenditure thereunder is not in excess of \$50,000. Any contract involving the expenditure of over \$50,000 shall require the joint approval of the department head and the Chief Administrative Officer, relative to departments under his or her jurisdiction, or the signature of the department head and the approval by resolution of the board or commission concerned for departments not under the Chief Administrative Officer; provided, that no obligation involving the expenditure of money shall be incurred unless certification of the Controller is first obtained in accordance with Section 6.302 of the Charter. (Amended by Ord. 404-86, App. 10/3/86)

SEC. 6.30. EMERGENCY REPAIRS, WORK AND CONTRACTS. A. The Board of Supervisors hereby declares that in an actual emergency caused by:

1. Weather conditions, fire, flood or other unforeseen conditions of unusual character; or

2. The breakdown of any plant, equipment, structure, street or public work necessitating immediate emergency repair or reconditioning to safeguard the lives or property of the citizens; or the property of the City and County; or to maintain the public health or welfare; and

a. Including the installation, repair, construction and alteration of crossings and switch work and special work in connection therewith, at street and other railway crossings and at street intersections, when the same is to be done by or for the Municipal Railway; and

b. Including the installation, repair, construction and alteration of the fire alarm, police communication and traffic signal systems, when the same is to be performed by or for the Department of Electricity; and

c. Including the work of making connections, installing gate valves, installing or transferring services and performing such other work therewith to existing water pipes, when the same is to be done by or for the San Francisco Water Department and when such work will leave one or more fire hydrants or water consumers without water; or

3. Unforeseen conditions of unusual character resulting in an insufficient number of hospital beds or the lack of hospital beds or the lack of hospital, surgical, mental health or hospital ancillary services so as to leave patients of the City and County without required hospital or medical services.

Such repair, reconditioning or other emergency work or contract may be executed in the most expeditious manner by the department head responsible therefor, who shall, if the emergency permits, first secure the approval in writing of the Chief Administrative Officer, if the emergency work or contract is to be done or ordered by any department under his or her jurisdiction; or, for the departments not under the Chief Administrative Officer, the approval in writing of the president of the board or commission concerned or of the Mayor; provided, however, that in all cases wherein the anticipated cost of the emergency work exceeds \$25,000, the department head shall first obtain the approval of the Board of Supervisors.

B. If the emergency does not permit such approvals to be obtained before work is commenced or the contract entered into, such approvals as hereinabove mentioned shall be obtained as soon thereafter as it is possible to do so. The department head concerned shall notify the Controller immediately of the work involved or the contract entered into and the estimated cost thereof; and shall notify the Board of Supervisors not more than seven days after work has been commenced. (Amended by Ord. 18-86, App. 2/7/86)

SEC. 6.31. PREFERENCE FOR LOCAL MANUFACTURERS AND INDUSTRY. Whenever any preferential in favor of local manufacturers or industry is provided by state law or ordinance or resolution of the Board of Supervisors, the same shall apply to contracts under this Chapter. (Ord. No. 4792 (1939), Sec. 19)

SEC. 6.32. CHAPTER NOT APPLICABLE TO WORK PAID FOR BY ASSESSMENT OF PRIVATE PROPERTY. This Chapter does not affect or apply to street improvement work or to other public work, the cost or expense of which is or will be assessed in whole or in part against private property. (Ord. No. 4792 (1939), Sec. 20)

SEC. 6.33. APPLICABILITY OF SECTION 7.204 OF CHARTER. All the terms and provisions of Section 7.204 of the Charter shall be applicable to and become a part of any and all contracts or written orders entered into pursuant to the terms and provisions of this Chapter. (Ord. No. 86-83, App. 3/4/83)

SEC. 6.34. RULES AND REGULATIONS. Pursuant to Section 7.204 of the Charter the following regulations are made and adopted relative to contracts for public work or improvements, exclusive of purchases, which are to be performed at the expense of the City and County of San Francisco or the costs of which are paid out of moneys deposited in the treasury of said city and county. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.35. CHARTER AND STATE LAW REGARDING MATERIAL SHALL BE A PART OF EVERY CONTRACT. Every contract for every public work or improvement performed at the expense of the City and County of San Francisco, or the cost of which is paid for out of moneys deposited in the treasury of said city and county, whether such work or improvement is to be done directly under contract awarded or indirectly by or under subcontract, subpartnership, day labor, station work, piece work, or any other arrangement whatsoever, shall contain, in addition to the provisions hereinafter set forth, all and singular, the conditions contained in Section 7.204 of the Charter as well as the terms and conditions of Article 1, Chapter 4, Division 5, Title 1, of the Government Code of the State of California; provided, however, that the requirement for American manufacture set forth in said Government Code provisions shall not apply in any instance where enforcement thereof would conflict with any law to which the said Government Code provisions are subordinated. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.36. DEFINITIONS OF "PUBLIC WORK" AND "IMPROVEMENT." The term "public work" or "improvement" as used in this Article shall include any public work or improvement to be done for or performed by the City and County of San Francisco where the cost thereof is to be paid out of moneys deposited in the treasury of said city and county, and shall also include all parts of said public work or improvement which are especially made, wrought, constructed or prepared to become a part of, or to be attached to, said public work or improvement as a part thereof, when the same are made, wrought, constructed or prepared, according to plans and specifications, details or drawings prepared or used for the construction of said public work or improvement, irrespective as to whether said parts are made, wrought, constructed or prepared at the place where said public work or improvement is being erected or constructed or at any other place. Any arrangement made or entered into by the contractor with any other person for the furnishing of any part of said public work or improvement to be made, wrought, constructed or prepared in accordance with said plans, specifications, details or drawings shall be deemed to be a subcontract. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.37. PREVAILING WAGE RATE — PROCEDURE. It shall be the duty of the Board of Supervisors, from time to time and at least once during each calendar year, to fix and determine the highest general prevailing rate of wages paid in private employment in the City and County of San Francisco as said terms are used in Section 7.204 of the Charter, including such rate of wages paid for overtime and holiday work, which said highest general prevailing rate of wages shall be fixed and determined as follows:

The Civil Service Commission shall furnish to the Board of Supervisors, on or before the first Monday in November of each year, data as to the highest general prevailing rate of wages of the various crafts and kinds of labor as paid in private employment in the City and County of San Francisco, including said wages for overtime and holiday work, and the Board of Supervisors shall, upon receipt of such data, fix and determine the highest general prevailing rate of wages for said various crafts and kinds of labor as paid for similar work in the City and County of San Francisco in private employment. Such highest general prevailing rate of wages as so fixed and determined by said Board of Supervisors shall remain in force and shall be deemed to be the highest general prevailing rate of wages paid in private employment for similar work, until the same is changed by said Board of Supervisors.

In determining the highest general prevailing rate of wages, as provided for in this Section, the Board of Supervisors shall not be limited to the consideration of data furnished by the Civil Service Commission, but may consider such other evidence upon the subject as said board shall deem proper and thereupon base its determination upon any or all of the data or evidence considered. (Amended by Ord. 411-70, App. 12/18/70)

SEC. 6.38. SPECIFICATIONS TO INCLUDE WAGE RATE. The officer, board or commission authorized to let or enter into any contract for any public work or improvement mentioned in Section 6.35 of this Article shall include in the specifications setting forth the terms and conditions for the performance of said contract a detailed statement of such highest general prevailing rate of wages, including said wages for holiday and overtime work, as determined by said Board of Supervisors for the several kinds of labor to be used or employed in the performance of said contract. The contractor to whom said contract is awarded shall agree in said contract to pay, to all persons performing labor in and about the public work or improvement provided for in said contract, the said highest general prevailing rate of wages as set forth in said specifications, including said wages for holiday and overtime work. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.39. SUBCONTRACTORS BOUND BY WAGE PROVISIONS. Every contract for any public work or improvement shall also contain a provision that the contractor shall insert in every subcontract or other arrangement which he or she may make for the performance of any work or labor on said public work or improvement described in said original contract. This provision shall be that said subcontractor shall pay to all persons performing labor or rendering service under said subcontract or other arrangement the highest general prevailing rate of wages as fixed and determined by said Board of Supervisors for said labor or services. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.40. RECORDS TO BE KEPT BY CONTRACTORS AND SUBCONTRACTORS. Every contract or subcontract provided for in Section 6.35 of this Article shall contain a provision that the contractor shall keep, or cause to be kept, an accurate record showing the name, place of residence, citizenship, occupation and per diem pay of each person engaged in the execution of said contract. Every subcontractor who shall undertake the performance of any part of said

original contract shall keep a like record of each person engaged in the execution of said subcontract. All of said records shall at all times be open to the inspection of and examination of the duly authorized officers and agents of the City and County of San Francisco. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.41. NONCOMPLIANCE WITH WAGE PROVISIONS VOIDS CONTRACT — PENALTY. Any contract or subcontract for any public work or improvement mentioned in Section 6.35 of this Article which does not comply with the provisions of this Article shall be null and void; and no recovery shall be had thereon. Any officer, board or commission who shall sign, execute or approve any such contract shall be deemed guilty of misfeasance in office. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.42. PENALTY AND FORFEITURE ON FAILURE OF CONTRACTOR TO PAY SUCH WAGE — ENFORCEMENT. Any contractor or subcontractor who shall fail or neglect to pay to the several persons who shall perform labor under any contract, subcontract or other arrangement on any public work or improvement specified in Section 6.35 of this Article the highest general prevailing rate of wages as fixed by the Board of Supervisors under authority of this Article, shall forfeit; and, in the case of any subcontractor so failing or neglecting to pay said wage, the original contractor and the subcontractor shall jointly and severally forfeit to the City and County of San Francisco the sum of \$25 per day for each laborer, workman or mechanic employed for each calendar day or portion thereof, while they shall be so employed and not paid said highest general prevailing rate of wages.

It shall be the duty of the officer, board or commission under whose jurisdiction said public work or improvement is being carried on, made or constructed, when certifying to the Controller any payment which may become due under said contract, to deduct from said payment or payments the total amount of said forfeiture provided for in this Section. The Controller, in issuing any warrant for any such payment, shall deduct from the amount which would otherwise be due on said payment or payments the amount of said forfeiture or forfeitures as so certified. (Amended by Ord 32-73, App. 1/26/73)

SEC. 6.43. HOURS AND DAYS OF LABOR. For the purpose of meeting prevailing conditions and enabling employers to secure a sufficient number of satisfactory workers and artisans, no person performing labor or rendering service in the performance of any contract or subcontract for any public work or improvement mentioned in Section 6.35 of this Article shall perform labor for a longer period than 40 hours per week, or five days of eight hours each, except in those crafts in which a shorter work day now prevails by agreement in private employments.

Any contractor or subcontractor who shall violate any of the provisions of this Section shall be liable for the same penalties and forfeits as those specified in Section 6.42 of this Article, penalties and forfeits shall be applicable for each laborer, mechanic or artisan employed for each calendar day or portion thereof whereon such laborer, mechanic or artisan is compelled or permitted to work more

than the days and hours specified herein. The provisions of this Section shall be made a part of all contracts and subcontracts for the construction of any public work or improvement. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.44. CONTRACTS OUTSIDE CITY AND COUNTY. In the event that any public work or improvement is to be constructed outside of the City and County of San Francisco, and at such a distance therefrom that those engaged in performing labor on said public work or improvement must under ordinary conditions remain at or near the site of said work or improvement when not actually engaged in the performance of labor thereon, then the officer, board or commission responsible for the construction of said public work or improvement may, in making specifications or letting contracts therefor, make provision therein for days and hours of labor beyond the limitations provided for in Section 6.43 of this Article; but not to exceed eight hours in any one calendar day, or six days in any calendar week. In the event that emergency conditions shall arise, making a change advisable during the performance of any such contract, or any portion thereof, the hours and days of labor may be extended beyond the limits hereinabove expressed; but not to exceed eight hours per day, upon the written authority of the officer, board or commission awarding such contract. Failure of the contractor to perform such contract within the time provided shall not constitute an emergency. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.45. ADDITIONAL PENALTY — IRRESPONSIBLE CONTRACTORS — DISQUALIFICATION. In addition to any other penalties herein provided, for the violation of this Article or for the failure of any contractor or subcontractor to abide by the rules and regulations herein contained, any contractor or subcontractor violating the provisions of this Article, or failing to abide by the rules and regulations herein set forth, shall be declared an irresponsible bidder by the officer, board or commission responsible for said public work or improvement; and shall not, for a period of five years thereafter, be allowed to act as a contractor or subcontractor on any public work or improvement for the City and County of San Francisco. The contract of any such person may, at the option of the awarding officer, board or commission, be canceled and in the event of such cancellation no recovery shall be had thereon. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.46. CONTRACTORS AND SUBCONTRACTORS TO FURNISH QUALIFICATIONS. In the awarding of any contract or written order for any public work or improvement mentioned in this Article, the awarding officer, board or commission shall require from all contractors and subcontractors offering or agreeing to perform any work on said public improvement, (1) proof of participation as a signatory to a recognized apprenticeship and/or training program under Chapter 4 (commencing at Section 3070), Division 3, of the California Labor Code and certified by the State of California Division of Apprenticeship Standards, where such programs exist for the work to be performed; (2) information concerning their experience, financial qualifications and ability to perform said contract or said subcontract; (3) information as to whether said contractor or subcontractor possesses, or can obtain in time to perform said contract or subcontract, the necessary equipment.

The apprenticeship provisions of this Section shall not apply to contracts of general contractors involving less than \$30,000 or 20 working days or to contracts of specialty contractors not bidding for work through a general or prime contractor, involving less than \$2,000 or fewer than five working days. (Amended by Ord. 86-83, App. 3/4/83)

SEC. 6.47. BID MAY BE REJECTED FOR LACK OF QUALIFICATIONS OR EQUIPMENT. Should said awarding officer, board or commission determine that said contractor or any subcontractor is not a signatory to a recognized apprenticeship and/or training program under Chapter 4 (commencing at Section 3070), Division 3, of the California Labor Code and certified by the State of California Division of Apprenticeship Standards, where such programs exist for the work to be performed, does not possess the necessary experience and financial qualifications to perform said contract or subcontract, or that he or she does not possess, or cannot obtain in due time the necessary equipment to perform said contract, said awarding officer, board or commission may reject the bid of any such contractor and should said determination affect only a subcontractor, then said awarding officer, board or commission may compel said contractor to substitute a subcontractor who is a signatory to a recognized apprenticeship and/or training program under Chapter 4 (commencing at Section 3070), Division 3, of the California Labor Code and certified by the State of California Division of Apprenticeship Standards, where such programs exist for the work to be performed, or who, in the opinion of said awarding officer, board or commission, possesses the necessary experience, financial qualifications and equipment to perform the said subcontract.

The apprenticeship provisions of this Section shall not apply to contracts of general contractors involving less than \$30,000 or 20 working days or to contracts of specialty contractors not bidding for work through a general or prime contractor, involving less than \$2,000 or fewer than five working days. (Amended by Ord. 86-83, App. 3/4/83)

SEC. 6.48. PROVISION IN BID OR OFFER FOR DESIGNATION OF SUBCONTRACTORS. Any officer, department, board or commission taking bids for the construction of any public work or improvement shall provide in the specifications prepared for the work or improvement or in the general conditions under which bids will be received for the doing of the work incident to the public work or improvement that any person making a bid or offer to perform the work, shall, in his bid or offer, set forth:

(a) The name and the location of the place of business of each subcontractor who will perform work or labor or render service to the general contractor in or about the construction of the work or improvement in an amount in excess of $\frac{1}{2}$ of one percent of the general contractor's total bid.

(b) A brief description of the work which will be done by each such subcontractor under this Section.

(c) The amount to be paid to each subcontractor for his said work, labor or service. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.49. FAILURE TO SPECIFY SUBCONTRACTOR; EFFECT. If a general contractor fails to specify a subcontractor for any portion of the work to be

performed under the contract in excess of $\frac{1}{2}$ of one percent of the general contractor's total bid, he agrees to perform that portion himself. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.50. SUBSTITUTION, ASSIGNMENT, OR SUBLETTING; CONSENT TO SUBSTITUTION. No general contractor whose bid is accepted shall, without the consent of the awarding officer, board or commission, either:

(a) Substitute any person as subcontractor in place of the subcontractor designated in the original bid.

(b) Permit any such subcontract to be assigned or transferred or allow it to be performed by anyone other than the original subcontractor listed in the bid.

(c) Sublet or subcontract any portion of the work in excess of $\frac{1}{2}$ of one percent of the general contractor's total bid as to which his original bid did not designate a subcontractor.

(d) The awarding authority may consent to the substitution of another person as subcontractor, when the subcontractor named in the bid after having had a reasonable opportunity to do so, fails or refuses to execute a written contract, when said written contract, based upon the general terms, conditions, plans and specifications for the project involved, or the terms of such subcontractor's written bid, is presented to the awarding authority by the contractor. (Added by Ord 28-63, App. 2/15/63)

SEC. 6.51. SUBLETTING OR SUBCONTRACTING PORTION OF WORK. Subletting or subcontracting of any portion of the work in excess of $\frac{1}{2}$ of one percent of the general contractor's total bid as to which no subcontractor was designated in the original bid shall only be permitted in cases of public emergency or necessity; and then only after a written report to the Mayor, the Controller and the Chief Administrative Officer, board or commission concerned setting forth the facts constituting the emergency or necessity. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.52. VIOLATION OF CHAPTER; OPTION OF AWARDING OFFICER, BOARD OR COMMISSION; CANCELLATION OR PENALTY OR BOTH. A general contractor violating any of the provisions of Sections 6.48, 6.49, 6.50, or 6.51 of this Article violates his or her contract and the awarding officer, board or commission shall have the right to (1) cancel the contract; or (2) assess the general contractor a penalty in an amount not more than 10 percent of the amount of the subcontract involved and this penalty shall be deposited in the fund out of which the prime contract is awarded; or (3) both cancel the contract and assess the penalty. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.53. GOVERNMENT FUNDS USED — LAW OF UNITED STATES TO PREVAIL. In all contracts for the construction of any public work or improvement which involves the use of any funds furnished, given or loaned by the government of the United States, all laws, rules and regulations of the said government of the United States, or of any of its departments, relative to the doing of such work and the conditions under which the same is to be performed, shall prevail over the conditions set forth in this Article when the same are in conflict. (Added by Ord. 28-63, App. 2/15/63)

SEC. 6.54. AUTHORIZING THE ASSUMPTION OF DAMAGES DUE TO EARTHQUAKE IN ALL PUBLIC WORK OR IMPROVEMENT CONTRACTS. In all contracts for the construction of any public work or improvement, the cost of which is paid for out of monies deposited in the treasury of said City and County of San Francisco, including the use of any funds furnished, given or loaned by the government of the United States, the officer, board or commission authorized to let or enter into any contract for any public work or improvement may, when so authorized by resolution of the Board of Supervisors, include in the specifications setting forth the terms and conditions for the performance of said contract a statement that if any such public work or improvement is proximately damaged or destroyed by an earthquake while said construction is underway, the City and County of San Francisco shall bear the net cost of restoring such public work or improvement substantially to its condition prior to the occurrence of said event. (Added by Ord 87-71, App. 4/15/71)

CHAPTER 7

DISASTER COUNCIL

- Sec. 7.1. Chapter—Purposes; “Emergency” Defined and Construed.
- Sec. 7.2. Agreement to Abide by State Master Mutual-Aid Agreement.
- Sec. 7.3. Disaster Council—Created; Composition; Appointment of Members.
- Sec. 7.4. Disaster Council—Powers and Duties.
- Sec. 7.5. The Emergency Services of San Francisco—Composition.
- Sec. 7.6. The Emergency Services of San Francisco—Commander; Powers and Duties.
- Sec. 7.6-1. The Emergency Services of San Francisco—Vice-Commander; Powers and Duties.
- Sec. 7.7. The Emergency Services of San Francisco—Director; Powers and Duties.
- Sec. 7.9. The Emergency Services of San Francisco—Organizational Provisions.
- Sec. 7.10. Police Auxiliary Reserve.
- Sec. 7.11. Fire Auxiliary Reserve.
- Sec. 7.15. Powers to Combat Contaminating Agents.
- Sec. 7.16. Compensation, Immunities and Loyalty Oath of Members.
- Sec. 7.17. Violations of Chapter; Penalty.
- Sec. 7.18. Expenditures.
- Sec. 7.19. Severability.

SEC. 7.1. CHAPTER — PURPOSES; “EMERGENCY” DEFINED AND CONSTRUED. (a) **Chapter — Purposes.** The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this City and County in the event of an emergency; the direction of emergency services; and the coordination of the emergency functions of this City and County with all other public agencies, corporations, organizations, and affected private persons.

(b) **“Emergency” Defined and Construed.** As used in this Chapter, an emergency shall exist when proclaimed by the Mayor. It shall include, but is not limited to, the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City and County caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, or earthquake, including conditions resulting from war or imminent threat of war or any actual or threatened enemy attack or sabotage. Upon such occurrences the responsibility devolves upon the regularly constituted authorities for the maintenance of public peace and order and the preservation of life and property. This responsibility does not extend to conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment, and facilities of this City and County, requiring the combined forces of other political subdivisions to combat. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.2. AGREEMENT TO ABIDE BY STATE MASTER MUTUAL-AID AGREEMENT. The Board of Supervisors does, by resolution, hereby approve and agree to abide by the California Disaster and Civil Defense Master Mutual-Aid Agreement. (Resolution 11053 (Series of 1939))

SEC. 7.3. DISASTER COUNCIL — CREATED; COMPOSITION; APPOINTMENT OF MEMBERS. The City and County Disaster Council is hereby created and shall consist of the following:

(a) The Mayor, who shall be the chair.

(b) The vice-chair, who shall be the Chief Administrative Officer, and who, in the absence of or at the direction of the Mayor, shall act on his or her behalf on matters within the purview of this Chapter.

(c) Such officers in charge of emergency services as are provided for in the current emergency plan of this City and County.

(d) Such other representatives of civic, business, labor, veterans, professional, or other organizations having an official emergency responsibility, as may be appointed by the Mayor.

(e) Three members of the Board of Supervisors, to be appointed by the President of the Board.

(f) Controller.

(g) The Director of Emergency Services who shall be the Executive Secretary. (Amended by Ord 40-72, App. 2/25/72)

SEC. 7.4. DISASTER COUNCIL — POWERS AND DUTIES. It shall be the duty of the City and County Disaster Council and it is hereby empowered:

(a) To develop a plan for meeting any emergency, such plan to provide for the effective mobilization of all the resources of the community, both public and private; and to prepare and recommend for consideration and adoption by the Board of Supervisors such ordinances and resolutions and rules and regulations as are necessary to implement the emergency plan;

(b) To develop and recommend for consideration and adoption by the Board of Supervisors mutual-aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements; and

(c) To meet upon call of the chair.

By enacting this Chapter, the City and County hereby agrees to follow the rules and regulations established by the California Emergency Council under the provisions of the California Emergency Services Act, Chapter 7 of Division 1 of Title 2 of the Government Code (Stats. 1970, Chapter 1454-Assembly Bill 560) effective November 23, 1970. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.5. THE EMERGENCY SERVICES OF SAN FRANCISCO — COMPOSITION. All officers and employees of the City and County, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section 7.6, Subsection (b), paragraph (3) of this Chapter, be charged with duties incident to the protection of life and property in the City and County during such emergency, shall

constitute the City and County of San Francisco Emergency Services organization. The structure, organization, duties, and functions of the City and County Emergency Services shall be set forth in the emergency plan duly recommended for approval by the Disaster Council and approved and promulgated by the Mayor. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.6. THE EMERGENCY SERVICES OF SAN FRANCISCO — COMMANDER; POWERS AND DUTIES. There is hereby created the office of Commander of Emergency Services of San Francisco. The Mayor is designated as the Commander of the Emergency Services of San Francisco.

(a) The Mayor is hereby empowered:

(1) To proclaim the existence or threatened existence of a local emergency as set forth under Section 3.100 of the Charter of the City and County of San Francisco and to terminate the local emergency;

(2) To request the Governor to proclaim a state of emergency when, in the opinion of the Mayor, the locally available resources are inadequate to cope with the emergency;

(3) To control and direct the effort of the City and County Emergency Services organization for the accomplishment of the purposes of this Chapter;

(4) To direct cooperation between and coordination of services and officers in charge of the Emergency Services organization of the City and County; and resolve questions of authority and responsibility that may arise between them;

(5) To represent this City and County in all dealings with public or private agencies on matters pertaining to emergencies as defined herein; and

(6) To accept and approve on behalf of and without cost to the City and County, and in cooperation with the federal government and the State of California, licenses or privileges granted for the use of private property for the sole purpose of temporarily sheltering persons against fallout radiation from enemy attack.

(b) In the event of the proclamation of a local emergency as herein provided, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a state of war emergency, the Mayor is hereby empowered and it shall be his or her duty:

(1) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency;

(2) To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the City and County for the fair value thereof and, if required immediately, to commandeer the same for public use;

(3) To require emergency services of any city officer or employee and, in the event of the proclamation of a state of emergency in this City and County or the existence of a state of war emergency, to command the aid of as many citizens of this community as the Mayor deems necessary in the execution of his or her duties. Such persons shall be entitled to all privileges, benefits, and immunities as are provided by state law for registered disaster service workers;

(4) To requisition necessary personnel or material of any city department or agency;

(5) To enter into agreements with public and private agencies for the performance of such special services and duties as may be necessary in the judgment of the Mayor to carry out the provisions of this Chapter; and

(6) To execute all of his or her ordinary powers as Mayor, all of the special powers conferred upon him or her by this Chapter, and all powers conferred upon him or her by any other lawful authority. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.6-1. THE EMERGENCY SERVICES OF SAN FRANCISCO — VICE-COMMANDER; POWERS AND DUTIES. There is hereby created the position of Vice-Commander of Emergency Services of San Francisco. The Chief Administrative Officer shall be the Vice-Commander of Emergency Services of San Francisco. The Vice-Commander, in the absence of or at the direction of the Commander, shall act on his or her behalf on matters within the purview of this Chapter. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.7. THE EMERGENCY SERVICES OF SAN FRANCISCO — DIRECTOR; POWERS AND DUTIES. There is hereby created the office of Director of Emergency Services, who shall be appointed by the Mayor. The Mayor, as chair of the Disaster Council and Commander of Emergency Services, shall employ a Director of Emergency Services, who shall have the expert qualifications for the work of emergency preparedness and relief and whose duty it shall be, subject to the general supervision of the Mayor and with the assistance of officers in charge of the Emergency Services, to develop and manage an emergency plan of the City and County, to coordinate all protective and relief services for the City and County, the training of all personnel connected therewith and the operation and implementation of all emergency plans and activities. As far as the Disaster Council and the Emergency Services and this work is concerned, the Director shall be subordinate only to the Mayor and he or she shall work in close cooperation with the Disaster Council and with the heads of the several departments of the municipal government and the officers in charge of the Emergency Services. Under the general supervision of the Mayor, the Director shall maintain the necessary contacts with the State Emergency Council and the several local disaster councils within this metropolitan area, in order that coordination of the work of the Disaster Council with the State Emergency Council and other disaster councils may be had. The Director shall serve as the Executive Secretary of the City and County Disaster Council and shall have such other powers and duties as may be assigned by the Mayor. The compensation of the Director shall be fixed in accordance with the fiscal and budgetary provisions of the Charter. (Amended by Ord 40-72, App. 2/25/72)

SEC. 7.9. THE EMERGENCY SERVICES OF SAN FRANCISCO — ORGANIZATIONAL PROVISIONS. The emergency functions of the Emergency Services organization shall be set forth in the Emergency Operations Plan of the City. Department heads responsible for planning, coordination, and integration of personnel from other city departments and agencies into their services for emergency operations shall be designated in the plan. These designated department heads shall formulate functional emergency plans which, when approved by the Disaster Council, shall become an annex to the Emergency Operations Plan. These

department heads shall also develop such mutual aid agreements as may be approved by the Board of Supervisors. Departments with area-wide functions and responsibilities may become parties to joint venture emergency action agreements or compacts with the recommended approval of the Disaster Council.

Purchaser of Supplies. The Purchaser of Supplies of the City and County shall be the custodian of special equipment and other property obtained from any source for use of the Emergency Services Organization. He or she is authorized to act as the agent of the City and County to receive from any agency the loan of any such equipment or property upon such conditions as may be prescribed by such agency. He or she shall keep an account of the property entrusted to his or her control according to the terms of its acceptance, and where there are no terms provided by such agency, then upon such terms as the commander may prescribe. He or she shall keep records of the receipt and distribution of such property and may issue or distribute such property only to the persons entitled thereto under the rules of the Emergency Services. Any property now held by him or her for the use of the City and County Disaster Corps shall be transferred to the use of the Emergency Services of San Francisco.

American Red Cross. In a war-caused emergency the Disaster Organization of the Golden Gate Chapter of the American National Red Cross shall function as an integral part of the welfare/shelter services, subordinate to the direction of the Director, Department of Social Services. As such, it shall operate the mass care services of feeding, clothing, and shelter to individuals affected by the emergency. The Red Cross shall not be responsible for financing such operations as are assigned to it by the welfare/shelter services in a war-caused emergency.

In a natural disaster, the Golden Gate Chapter of the American National Red Cross shall function as a service of the Emergency Services organization, with the chapter chairman, or a delegated representative thereof, as officer in charge of the service. In such disasters the chapter shall furnish food, clothing, shelter, registration, and inquiry service, supplementary medical services when requested and rehabilitation to individuals and families affected by the disaster. The American National Red Cross will provide funds with which to finance all its relief operations in a natural disaster. When requested, the personnel of the Department of Social Services may be used to supplement the Red Cross personnel in such disaster situations. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.10. POLICE AUXILIARY RESERVE. The following terms as used in this Section shall have the meaning ascribed to them, as follows:

"Chief" shall mean the Chief of Police.

"Commission" shall mean the Police Commission.

"Members" shall mean member of the San Francisco Police Auxiliary Reserve.

"Reserve" shall mean the San Francisco Police Auxiliary Reserve.

(a) The San Francisco Police Auxiliary Reserve is hereby created. The Reserve of not more than 800 men shall be under the direction of the Chief of Police and shall be subject to such rules and regulations as the Police Commission may prescribe.

(b) The Commission shall, by rule, prescribe the qualifications and standards by which applicants for membership in the Reserve shall be governed. Persons possessing the qualifications and conforming to the standards may be appointed to the Reserve by the Chief.

(c) Members shall perform such public service as may be ordered by the Chief. It shall be unlawful for any person wilfully to resist, delay or obstruct any member in the discharge, or the attempt to discharge, of any duties of his or her office.

(d) The Reserve is hereby assigned the duty of preparing against the perils to life and property that may be expected to result from enemy attack or sabotage, or from any emergency that may threaten lives and property. Any duties assigned to its members shall be deemed to be training in preparation against such perils.

(e) In the enforcement of the penal laws of the State of California, the penal ordinances of the City and County and in the performance of such other duties as may be designated by the Chief, every duly authorized member shall be deemed to have all the powers of a peace officer.

(f) The approved dress, star and equipment to be worn and carried by the members shall be as determined by rule of the Commission, subject to the fiscal provisions of the Charter.

(g) It shall be unlawful for any person to impersonate or falsely represent himself or herself to be a member, or, without authorization, to wear, use or possess a star used by the Reserve.

(h) The Chief may dismiss a member from the Reserve, without any hearing whatsoever. Each member shall have the right to resign from the Reserve at any time

(i) To be eligible for membership in the Reserve, each applicant must indicate his or her willingness to serve an average minimum of 16 hours per month in the public service. Where any member has failed to give such minimum hours of service for a period of two months, the Chief shall inquire into the reasons therefor. Unless good reason is shown for such failure to render the minimum hours herein required, the Chief may dismiss the member from the Reserve.

(j) The Reserve shall be deemed to be a part of the law enforcement and traffic service of the Emergency Services organization.

(k) The Commission is hereby authorized, directed and empowered to prepare and promulgate such rules, regulations and revisions, and amendments thereof, as may, in its discretion, be necessary to carry out the express intent of this Section. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.11. FIRE AUXILIARY RESERVE. The following terms as used in this Section shall have the meaning ascribed to them, as follows:

“Chief” shall mean the Chief of the Fire Department.

“Commission” shall mean the Fire Commission.

“Member” shall mean member of the San Francisco Fire Auxiliary Reserve.

“Reserve” shall mean the San Francisco Fire Auxiliary Reserve.

(a) The San Francisco Fire Auxiliary Reserve is hereby created. The Reserve of not more than 800 men shall be under the direction of the Chief of the Fire Department and shall be subject to such rules and regulations as the Fire Commission may prescribe.

(b) The Commission shall, by rule, prescribe the qualifications and standards by which applications for membership in the Reserve shall be governed and persons possessing the qualifications and conforming to the standards may be appointed to the Reserve by the Chief.

(c) Members shall perform such public service as may be ordered by the Chief. It shall be unlawful for any person wilfully to resist, delay, or obstruct any member in the discharge, or the attempt to discharge, of any duties of his or her office.

(d) The Reserve is hereby assigned the duty of preparing against the perils to life and property that may be expected to result from enemy attack or sabotage or from any emergency that may threaten lives and property. Any duties assigned to the members shall be deemed to be training in preparation against such perils.

(e) The approved dress, badge and equipment to be worn and carried by the members shall be as determined by rule of the Commission, subject to the fiscal provisions of the Charter.

(f) It shall be unlawful for any person to impersonate or falsely represent himself of herself to be a member, or, without authorization, to wear, use or possess a badge used by the Reserve.

(g) The Chief may dismiss a member from the Reserve, without any hearing whatsoever, and each member shall have the right to resign from the Reserve at any time.

(h) To be eligible for membership in the Reserve, each applicant must indicate his or her willingness to serve an average minimum of 16 hours per month in the public service. Where any member has failed to give such minimum hours of service for a period of two months, the Chief shall inquire into the reasons therefor. Unless good reason is shown for such failure to render the minimum hours herein required, the Chief may dismiss the member from the Reserve.

(i) The Reserve shall be deemed to be a part of the Auxiliary Fire Service of the Fire and Rescue Service of the Emergency Services organization.

(j) The Commission is hereby authorized, directed and empowered to prepare and promulgate such rules, regulations and revisions, and amendments thereof, as may, in its discretion, be necessary to carry out the express intent of this Section. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.15. POWERS TO COMBAT CONTAMINATING AGENTS.

The following terms as used in this Section shall have the meaning ascribed to them, as follows:

"Contaminated" shall signify the condition wherein any person or thing has come in contact with a contaminating agent, and in so doing, has become an actual or potential menace to the health of himself or herself or that of any person by reason of such contact.

"Contaminating agent" shall include, but not be specifically limited to, such items as chemical substances, bacteriological media, radiation or radioactive substances which may be employed in or result from an enemy attack or may be present within an area following a natural disaster or domestic accident.

Whenever an emergency occurs in the City and County wherein it becomes evident or reasonable to assume that as a result of such emergency a contaminating

agent is present within a specific area, which contaminating agent is injurious to and endangering the public health, the Director of Public Health, or his or her duly authorized representative, shall have the following powers:

(a) To monitor with prescribed detection devices any person whom he or she has reason to believe has become contaminated;

(b) To cause any person to discard any wearing apparel which he or she has reason to believe has become contaminated;

(c) To cause any person to discard any property which monitoring or other evidence has revealed to be contaminated to a degree injurious to the health of any person;

(d) To prohibit any person who is contaminated, or who is wearing contaminated clothing, from entering an uncontaminated area without undergoing prescribed decontamination procedures;

(e) To cause any person who has become contaminated to undergo prescribed decontamination procedures;

(f) To cause any person to vacate an area which he has reason to believe has become contaminated, or where other great menace to health resulting from such emergency exists;

(g) To prohibit entry of any unauthorized person to an area where there is evidence of contamination, or where other great menace to health resulting from such emergency exists;

(h) To set up areas for the reception and storage of contaminated property and materials; and

(i) To prohibit any unauthorized person from removing any article which has been placed in an area for the reception and storage of contaminated property and materials.

For the purpose of this Section, the Chief of Police and every police officer, and every auxiliary police reserve officer acting under the orders of the Chief of Police shall be deemed a duly authorized representative of the Director of Public Health. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.16. COMPENSATION, IMMUNITIES AND LOYALTY OATH OF MEMBERS. All persons, other than officers and employees of the City and County volunteering services pursuant to the provisions of this Chapter and the Emergency Plan, shall serve without compensation from the City and County. While engaged in such services, they shall have the same immunities as officers and employees of the City and County performing similar duties. All volunteers, other than noncitizen volunteers, shall be required to take a loyalty oath in a form to be prescribed and approved by the Disaster Council, the loyalty oath to be administered to the noncitizen volunteer worker only upon consent of the worker. Current data maintained to provide information for deployment of volunteer workers shall include the status of loyalty oath for each such workers. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.17. VIOLATIONS OF CHAPTER; PENALTY. It shall be a misdemeanor, punishable by a fine of not to exceed \$500, or by imprisonment for not to exceed six months, or both, for any person, during an emergency to:

(a) Wilfully obstruct, hinder or delay any member of the Emergency Services in the enforcement of any lawful rule or regulation issued pursuant to this Chapter, or in the performance of any duty imposed upon him or her by virtue of this Chapter;

(b) Do any act forbidden by any lawful rule or regulation issued pursuant to this Chapter, if such act is of such a nature as to give, or be likely to give, assistance to the enemy, or to imperil the lives or property of inhabitants of this City and County, or to prevent, hinder or delay the defense or protection thereof;

(c) Wear, carry, or display, without authority, any means of identification specified by the Emergency Agency of the State of California. (Amended by Ord. 40-72, App. 2/25/72)

SEC. 7.18. EXPENDITURES. Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the City and County. (Added by Ord. 40-72, App. 2/25/72)

SEC. 7.19. SEVERABILITY. If any provision of this Chapter or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications. To this end the provisions of this Chapter are declared to be severable. (Added by Ord. 40-72, App. 2/25/72)

CHAPTER 8

DOCUMENTS, RECORDS AND PUBLICATIONS

- Sec. 8.1. "Records" Defined.
- Sec. 8.2. Responsibility for Preservation and Filing of Records.
- Sec. 8.3. Disposition and Destruction of Useless Records Generally.
- Sec. 8.3-1. Sound Recordings.
- Sec. 8.4. "Current Records" and "Storage Records" Designated.
- Sec. 8.5. Establishment, Use, Etc., of Records Center.
- Sec. 8.6. Superintendent of Records.
- Sec. 8.7. Prerequisites to Destruction of Records; Sale in Lieu of Destruction.
- Sec. 8.8. Disposal of Obsolete Law Books.
- Sec. 8.9. Preservation of Essential Records—Statement of Public Interest.
- Sec. 8.10. Preservation of Essential Records—Designation of a Records Preservation Officer; Duty to Recommend and Advise Concerning a Pre-Program for Preservation of Essential Records.
- Sec. 8.10-1. Preservation of Essential Records—Filing of Annual Report.
- Sec. 8.11. Preservation of Essential Records—Custody of Twin Peaks Vault; Duplicate Keys and Lock Combinations.
- Sec. 8.12. Supervision; Custody.
- Sec. 8.12.1. Sales and Sales Price.
- Sec. 8.12.2. Cost of Publication, Etc.
- Sec. 8.12.3. Disposition of Money.
- Sec. 8.12.4. Free Publications.
- Sec. 8.12-1. Sale of Systems Time and Programming Time.
- Sec. 8.12-2. Sale of Official Bicentennial Medals, Postcards, Maps, Etc.; Establishing the Bicentennial Fund; Providing for Expenditures Therefrom; Authorizing the Mayor to Contract With the San Francisco Twin Bicentennial, Inc.
- Sec. 8.12-2.1. Disbursement of Cable Car Centennial Medals.
- Sec. 8.12-3. The San Francisco Twin Bicentennial, Inc., in the Office of the Mayor.
- Sec. 8.13-1. Charter—Charge to Requisitioning Department.
- Sec. 8.13-2. Charter—Disposition of Money.
- Sec. 8.14. Coroner's Fees for Copies of Documents and Certain Services.
- Sec. 8.15. Filing or Posting of Departmental Rules and Regulations.
- Sec. 8.16. Filing of Annual Reports and Official Documents with San Francisco Public Library.
- Sec. 8.18. Records to be Inscribed with Name of City and County.
- Sec. 8.19. Compliance with Preceding Section.
- Sec. 8.20. Possession of Improperly Inscribed Books Prohibited.
- Sec. 8.21. Library Commission—Note Cards.
- Sec. 8.21-1. Establishment of a Library Publication Fund.
- Sec. 8.22. Registrar's Fees.
- Sec. 8.23. Police Department Fees.

Sec. 8.24.	Recorder's Fees.
Sec. 8.24-1.	Establishment of a Recorder's Fund.
Sec. 8.25.	Destruction of Criminal History Records.
Sec. 8.26.	Civil Service Commission Inspection and Fingerprint Fees.
Sec. 8.27.	Sheriff's Department Fees.
Sec. 8.28.	City Planning Fees.

SEC. 8.1. "RECORDS" DEFINED. "Records," as used in this Chapter, shall mean such paper, book, photograph, film, sound recording, map, drawing or other document, or any copy thereof, as has been made or received by the department in connection with the transaction of public business and may have been retained by the department as evidence of the department's activities, for the information contained therein, or to protect the legal or financial rights of the City and County or of persons directly affected by the activities of the City and County. (Ord. No. 7070 (1939), Sec. 1)

SEC. 8.2. RESPONSIBILITY FOR PRESERVATION AND FILING OF RECORDS. The head of every department shall be responsible for the preservation and proper filing of papers, film or other records of the department and the ultimate disposition of the same in accordance with the applicable law; provided, however, that he or she shall not be responsible for the preservation or proper filing of such paper, film or other records when entrusted in the care and management of the Superintendent of Records Center, as provided in Section 8.6 of this Code. (Ord No. 7070 (1939), Sec. 1)

SEC. 8.3. DISPOSITION AND DESTRUCTION OF USELESS RECORDS GENERALLY. It shall be the duty of each department head to prepare a schedule for the systematic disposition of useless records, which schedule will be effective after approval by the officers and boards specified below:

A department head is authorized to destroy or otherwise dispose of useless records of his or her department five years after their origin and after they have served their purpose and are no longer required, except that records pertaining to financial matters shall be destroyed only after approval by the Controller; those having legal significance only with the approval of the City Attorney; and payroll checks, time cards and related documents only with the approval of the Retirement Board.

On request, payrolls, time cards and related documents shall be delivered to the Retirement Board in lieu of being destroyed.

Records less than five years old may be destroyed or otherwise disposed of if their destruction or other disposition within a shorter length of time is specifically provided for in a schedule for the systematic destruction of useless records recommended by the department head, approved by the Chief Administrative Officer, board or commission concerned, by the City Attorney as to records of legal significance, by the Controller as to records relating to financial matters, by the Retirement Board as to time rolls, time cards, payroll checks and related matters, and adopted by resolution of the Board of Supervisors.

The provisions of this Section do not apply to sound recordings of radio or telephone communications as described in Section 8.3-1.

Nothing in this Section shall be deemed to apply to or authorize the destruction of any records that are kept pursuant to a state statute, or are accumulated by a City and County department while acting in a state matter. (Amended by Ord. 583-81, App. 12/10/81)

SEC. 8.3-1. SOUND RECORDINGS. (a) The words "sound recordings," as used in this Section, mean the routine daily taping and recording of telephone communications to and from a department of the City and County of San Francisco and all radio communications relating to the operations of that department.

(b) The San Francisco Municipal Railway shall retain sound recordings relating to its operations for at least one year. The San Francisco Police Department and Fire Department shall retain sound recordings relating to their respective operations for at least six months.

(c) Any department not mentioned in Section 8.3-1(b) shall retain sound recordings relating to its operations for at least 100 days.

(d) Sound recordings of any department may be destroyed or otherwise disposed of at any time upon authorization of the department head and the written consent of the City Attorney; provided, that the minimum time limits for retention set forth in this section are complied with and provided further that in the event that sound recordings maintained by a department are evidence in any claim filed or any pending litigation, such recordings shall be preserved until pending litigation is resolved. (Added by Ord. 583-81, App. 12/10/81)

SEC. 8.4. "CURRENT RECORDS" AND "STORAGE RECORDS" DESIGNATED. "Records", as defined in Section 8.1 of this Code, shall for the purposes of this Chapter be divided into two classifications: current records and storage records.

"Current records" are those records which for convenience, ready reference or other reason are retained in office space and equipment of the department involved.

"Storage records" are those records which need not be retained in office space and equipment of the department involved, but which must be, or should be, prudently preserved for a time or permanently in the facilities of a records center, as specified in the following section. (Ord. No. 7070 (1939), Sec. 3)

SEC. 8.5. ESTABLISHMENT, USE, ETC., OF RECORDS CENTER. The Chief Administrative Officer is hereby authorized to establish, maintain and operate within a department under his or her jurisdiction a records center for the orderly storage, care, management and safeguarding of storage records of the departments and offices of the City and County and of the San Francisco Unified School District. The Chief Administrative Officer, when funds are provided through regular budgetary procedures, may contract with a reputable and experienced archival firm to store, maintain and safeguard said records as well as to provide retrieval and accession services in accordance with procedures set forth in the contract.

Within two years from the effective date of such contract, and at three-year intervals thereafter, the Chief Administrative Officer shall have prepared for public hearing at the Board of Supervisors a report on the merits and demerits of the

contract as compared with a municipal records center. Any of the departments or offices of the City and County and the San Francisco Unified School District may elect to use the facilities of the records center for its storage records. (Amended by Ord. 111-76, App. 4/1/76)

SEC. 8.6. SUPERINTENDENT OF RECORDS. In the absence of any agreement between the Chief Administrative Officer and a private archival concern, the records center shall be operated by the City and County. In that event, the records center shall be managed by a Superintendent of Records who shall be a person qualified by training and experience to organize and manage a central depository of records and shall conduct the records center as a service agency for the various departments. In the event the records center is operated on a contractual arrangement with an archival firm, the Superintendent of Records shall act as liaison between City and County departments and the records center for the purpose of insuring the prompt retrieval of any record or volume of records entrusted to the records center when such is desired by the department concerned. He or she shall devise forms for the use of the departments or offices which entrust their storage records to the center; shall notify department heads when records in storage are available for destruction; and otherwise provide and insure that the records center gives a maximum of service to client departments with regard to the preservation and management of their storage records. He or she shall be responsible for the safekeeping of all storage records entrusted to the care and management of the records center.

In addition, he or she shall, when invited to do so, serve as a consultant to the various departments in the formulation of records schedules; the filing of records so as to facilitate their later management; and the preparation of forms and the working out of procedures insofar as they have a bearing upon records management. He or she shall have such assistants as are necessary to help him or her perform the functions assigned to his or her position and as are provided through regular budgetary and civil service procedures. (Amended by Ord. 111-76, App. 4/1/76)

SEC. 8.7. PREREQUISITES TO DESTRUCTION OF RECORDS; SALE IN LIEU OF DESTRUCTION. (a) Before any book, document, photograph, map, architectural drawing, record, bond certificate, or other material of historical significance is destroyed, the following procedure shall be observed:

(1) It shall be offered by the officer concerned, i.e., the Chief Administrative Officer, or by boards or commissions, for departments under their respective jurisdiction, to the San Francisco Public Library;

(2) Such items not accepted by the San Francisco Public Library may be sold by the office of the Mayor, together with copies thereof, under provisions of Section 8.122 of the Administrative Code; and

(3) In the event the Public Library declines to accept said historical material, or after sale thereof by the Mayor, any remaining such historical material may be offered to an historical society.

(b) After all the steps outlined in Paragraph (a) above have been observed, any remaining historical records, as well as any large volume of records without historic significance which are to be destroyed, shall be offered for sale by the City Purchaser.

The sales contract must provide that the buyer guarantees to the satisfaction of the City Purchaser that the records will be shredded beyond identification or otherwise destroyed within a short period of time after taking delivery. (Amended by Ord. 306-72, App. 10/19/72)

SEC. 8.8. DISPOSAL OF OBSOLETE LAW BOOKS. The City Attorney is authorized to destroy or otherwise dispose of any and all obsolete law books in his or her possession or control which have been a part of the library of the office of the City Attorney for not less than 10 years. (Ord. No. 3646 (1939), Sec. 1)

SEC. 8.9. PRESERVATION OF ESSENTIAL RECORDS — STATEMENT OF PUBLIC INTEREST. It is hereby declared that the public interest demands that various City and County records which would be essential to the continuity of government and the protection of rights and interests of individuals in event of a major disaster be preserved against possible destruction by fire, earthquake, flood, enemy attack or other cause. (Amended by Ord. 126-62, App. 5/24/62)

SEC. 8.10. PRESERVATION OF ESSENTIAL RECORDS — DESIGNATION OF A RECORDS PRESERVATION OFFICER; DUTY TO RECOMMEND AND ADVISE CONCERNING A PRE-PROGRAM FOR PRESERVATION OF ESSENTIAL RECORDS. The Chief Administrative Officer, or the head of any department under his or her jurisdiction as designated by him or her, is hereby designated the Records Preservation Officer for the City and County of San Francisco. The Records Preservation Officer shall recommend to the Mayor and the Board of Supervisors a program for the selection and preservation of essential City and County records; shall advise and assist in its establishment and maintenance; and shall recommend the place and manner of safekeeping of essential records and preservation duplicates. (Amended by Ord. 126-62, App 5/24/62)

SEC. 8.10-1. PRESERVATION OF ESSENTIAL RECORDS — FILING OF ANNUAL REPORT. The Records Preservation Officer shall on the first Monday of December, 1962, file with the Mayor and the Board of Supervisors a written report containing his or her recommendations as to which City and County records should be designated as essential and preserved against a major disaster. Thereafter, on the first Monday of December each year, he or she shall file a written report with the Mayor and the Board of Supervisors on the status and progress of the records preservation program, together with his or her recommendations for making such revisions as deemed necessary to keep the inventory of essential records current, accurate and complete. (Added by Ord. 126-62, App. 5/24/62)

SEC. 8.11. PRESERVATION OF ESSENTIAL RECORDS — CUSTODY OF TWIN PEAKS VAULT; DUPLICATE KEYS AND LOCK COMBINATIONS. The Twin Peaks Subterranean Vault shall be operated under the custody of the Superintendent of Records. Duplicate keys and combinations of the locks to the vault or room, together with duplicate indexes of such records or preservations duplicates stored therein, shall be deposited for safekeeping with the Treasurer of the City and County. Such duplicate keys and combinations to locks

and indexes of records shall be given by the Treasurer to the Superintendent of Records, upon request of the Chief Administrative Officer. (Amended by Ord. 126-62, App. 5/24/62)

SEC. 8.12. SUPERVISION; CUSTODY. The Purchaser of Supplies shall have general supervision of the handling and distribution of all publications printed for any department, office, board or commission. The custody of all printed publications, subject to public distribution, except as otherwise provided by law, shall be committed to the Purchaser of Supplies. (Amended by Ord. 259-73, App. 7/3/73)

SEC. 8.12.1. SALES AND SALES PRICE. The Purchaser of Supplies shall dispose or sell any of such documents or printed publications under such conditions and at such price as shall be fixed by the Purchaser of Supplies, with the concurrence of the Controller, in order to adequately cover the cost of printing, handling and distribution thereof. (Added by Ord. 259-73, App. 7/3/73)

SEC. 8.12.2. COST OF PUBLICATION, ETC. When funds have been provided, the Purchaser of Supplies may publish such manuals, documents, pamphlets, bulletins or other publications as may be deemed to be in the best interests of the City and County, or for information, upon the recommendation of a department head, and with the approval of the Chief Administrative Officer, board or commission.

The cost of handling and distribution by the Purchaser of Supplies in accordance herewith shall be payable out of the departmental funds referred to in this Section, subject to the provisions of Section 6.305 of the Charter. (Added by Ord. 259-73, App. 7/3/73)

SEC. 8.12.3. DISPOSITION OF MONEY. All moneys received from the sale of documents or printed publications shall be paid as revenue into the City and County treasury to the credit of the fund from which the cost of the printing of the manuals, documents, pamphlets or other publications sold shall have been paid. (Added by Ord. 259-73, App. 7/3/73)

SEC. 8.12.4. FREE PUBLICATIONS. Copies of publications of the Board of Supervisors required for the use of a City and County department shall be furnished upon issuance of a proper requisition supported by available funds of the requisitioning department. The Purchaser of Supplies shall, upon requisition from the Clerk of the Board of Supervisors, furnish, free of charge, copies of publications for distribution to such governmental agencies, persons or institutions affected with a public interest outside the City and County as request them, and which, in the opinion of the Clerk, are entitled to them by reason either of reciprocation or policy. (Added by Ord. 259-73, App. 7/3/73)

SEC. 8.12-1. SALE OF SYSTEMS TIME AND PROGRAMMING TIME. The Purchaser of Supplies, with the approval of the Chief Administrative

Officer, and the recommendation of the Controller, is authorized to enter into agreements to sell systems time and programming time at rates established by the Purchaser and the Controller. (Added by Ord. 364-68, App. 12/26/68)

SEC. 8.12-2. SALE OF OFFICIAL BICENTENNIAL MEDALS, POSTCARDS, MAPS, ETC.; ESTABLISHING THE BICENTENNIAL FUND; PROVIDING FOR EXPENDITURES THEREFROM; AUTHORIZING THE MAYOR TO CONTRACT WITH THE SAN FRANCISCO TWIN BICENTENNIAL, INC. Notwithstanding the provisions of Section 8.12 of this Code, the office of the Mayor is hereby authorized to issue and sell official Bicentennial medals of the founding of San Francisco, cable car medals, and to print and sell postcards and copies of photographs, maps, documents, and other similar materials relating to the history of the City and County of San Francisco.

No medal of the Bicentennial series shall be struck after December 31, 1976, and all dies used in their manufacture shall be rendered incapable of further use and shall be delivered to the San Francisco Public Library for display purposes as desired.

There shall be established in the treasury of the City and County of San Francisco a special fund to be known and designated as the Bicentennial Fund, into which shall be deposited all moneys received from the sale of any and all printed postcards and copies of photographs, maps, documents, official Bicentennial medals, cable car medals, and other similar materials pursuant to the authority herein contained. All moneys currently in the Bicentennial Information Fund shall be transferred to the Bicentennial Fund.

The sales price for said items shall be established jointly by the office of the Mayor and the Purchaser of Supplies. Balances remaining in the Bicentennial Fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purposes recited herein.

The office of the Mayor shall quarterly submit in writing to the Controller and to the Board of Supervisors a report showing the total receipts and disbursements of the preceding quarter, together with a description of the items printed or copied.

Moneys in the Bicentennial Fund shall be used for the promotion, sale, and display of the above items, for improvements on and along the Golden Gate Promenade, and for projects and programs commemorating the Bicentennial which will make a lasting contribution to the City and County of San Francisco.

The Bicentennial Fund is empowered to receive all gifts, donations, and contributions of moneys, property, and personal services which may be offered to the City and County of San Francisco for purposes of said commemoration. All gifts, donations, and contributions of moneys, property, and personal services which may from time to time be offered to the City and County of San Francisco are hereby accepted for such purposes.

The Mayor may contract with the San Francisco Twin Bicentennial, Inc. for the transfer of funds from the Bicentennial Fund to said corporation to implement the purposes of this Section. Said transfer shall be authorized by the Mayor on the basis of budget requests submitted by the board of directors of said corporation.

The Bicentennial Fund shall become ineffective on or before December 31, 1977. All moneys therein shall be transferred to the General Fund. (Amended by Ord. 161-74, App. 4/5/74)

SEC. 8.12-2.1. DISBURSEMENT OF CABLE CAR CENTENNIAL MEDALS. The Mayor and the President of the Board of Supervisors are empowered to make or authorize others to make gifts of the 1-1/2-inch silver or bronze Cable Car Centennial Medals to foreign dignitaries and other special guests in the interest of maintaining harmonious relationships with other nations, states and municipalities.

Pursuant to Section 8.12-2, the Mayor and the President of the Board of Supervisors shall quarterly submit in writing to the Controller a report detailing the disbursements made during the preceding quarter. (Added by Ord. 17-87, App. 1/29/87)

SEC. 8.12-3. THE SAN FRANCISCO TWIN BICENTENNIAL, INC., IN THE OFFICE OF THE MAYOR. The San Francisco Twin Bicentennial, Inc., a nonprofit corporation, has been formed and is hereby established in the office of the Mayor to assist in making necessary arrangements in connection with the joint bicentennial of the City and County of San Francisco and of the United States of America. Said corporation is hereby designated as the official agent of the City and County of San Francisco for said commemoration. The members of said corporation shall consist of the Mayor, who shall serve ex officio, the President of the Board of Supervisors, who shall serve ex officio, and individuals appointed by the Mayor, who shall serve at his or her pleasure. Said corporation shall be governed by a board of directors elected by the members. The board of directors shall be assisted by a steering committee consisting of the members of the Board of Supervisors, who shall serve ex officio, and such individuals as shall be appointed by the Mayor or the members of the Board of Supervisors.

All meetings of the board of directors and of the membership of the San Francisco Twin Bicentennial, Inc. and of its committees shall be open public meetings held in conformity with the provisions of the Ralph M. Brown Act, Chapter 9 of Part 1, Division 2, Title 5, of the Government Code of the State of California, except any provision thereof requiring notice of such meetings. (Amended by Ord. 206-75, App. 5/21/75)

SEC. 8.13-1. CHARTER — CHARGE TO REQUISITIONING DEPARTMENT. Copies of the Charter, or amendments thereto, required for use of City and County departments shall, upon the head of the department requisitioning the Purchaser of Supplies, be issued a charge against the proper funds of the requisitioning department. (Added by Ord. 280-62, App. 10/30/62)

SEC. 8.13-2. CHARTER — DISPOSITION OF MONEY. All funds received from the sale of Charters, and amendments thereto, shall be deposited to the credit of the Purchaser's revolving fund and shall be used exclusively for the purchase of additional copies of the Charter, or amendments thereto. (Added by Ord. 280-62, App. 10/30/62)

SEC. 8.14. CORONER'S FEES FOR COPIES OF DOCUMENTS AND CERTAIN SERVICES. The Coroner is hereby authorized to charge fees to defray the cost of the issuance of the following mentioned documents and the providing of the following services. Any persons requesting such documents or services shall pay the following fees:

Proof of death for insurance purposes	\$ 2.00
Statement of attending physician at death	2.00
Certified copy of verdict of inquest	2.00
Certified copy of necropsy report	5.00
Certified copy of pathological report	5.00
Certified copy of toxicological report	5.00
Certified copy of Coroner's register page	5.00
Search of records	5.00
Disaster bags for decomposed or accident cases	15.00
Forensic autopsy performed on non-Coroner's cases or outside county	900.00
X-rays on non-Coroner's cases	8.00 each
Copies of X-rays	5.00 each
Re-cut microscopic slides	8.00 each
Outside use of facilities for identification of remains ..	25.00
Storage of remains for funeral directors for other than Coroner's cases, per day	5.00
Removal and storage of remains from rest homes or other agencies that have no facilities for cold storage	45.00
Autopsy reports to hospitals and attending physicians ..	2.00
Certified copy of letter confirming death pending completion of autopsy	2.00
Forensic alcohol report	55.00*
Blood screen for drugs, I	125.00
Blood screen for drugs, II	150.00
Urine screen for drugs	125.00
Gastric screen	125.00
Tissue screen	150.00
Pre-trial conference at Coroner's office	75.00/hour
Pre-trial conference at county of request	90.00/hour**
Deposition at Coroner's office	100.00/hour
Deposition outside of San Francisco County	150.00/hour**
Court testimony, criminal case, toxicologist	110.00/hour
Court testimony, criminal case, forensic pathologist ...	200.00/hour**

*Includes court appearance if service contract; otherwise court, travel and expert fees will be added.

**Travel and accommodation charges will be responsibility of requesting agency.

All fees set for toxicology testing for outside county, federal and state agencies shall be at the maximum charges listed above; however, lower fees may be negotiated for service contract work.

All fees received by the Coroner in payment of the issuance of the documents and the providing of certain services mentioned in this Section shall be deposited with the Treasurer and recorded as revenue for the Medical Examiner-Coroner's office. (Amended by Ord. 231-82, App. 5/13/82; Ord. 120-87, App. 4/17/87)

SEC. 8.15. FILING OR POSTING OF DEPARTMENTAL RULES AND REGULATIONS. Rules and regulations of every department, board or commission shall be posted in a conspicuous place, or available for public inspection, in the principal office of the board, commission or department during normal business hours. Such rules and regulations shall be maintained in said principal offices in a current form. All additions, amendments and deletions to such rules and regulations shall be posted within 10 days of their enactment.

Any violation of the provisions of this Section shall be deemed to be official misconduct by those responsible and shall be punishable as provided in Section 8.106 of the Charter. (Amended by Ord. 195-72, App. 7/7/72)

SEC. 8.16. FILING OF ANNUAL REPORTS AND OFFICIAL DOCUMENTS WITH SAN FRANCISCO PUBLIC LIBRARY. It shall be the duty of every official, board, commission or department, who or which publishes an annual report or other official published documents, relative to the affairs under his of her or its control or related to his of her or its functions, to file at least two copies thereof with the Documents Department of the San Francisco Public Library within 10 days after publication of each such report or document.

Further, it shall be the duty of the secretary or other executive officer of each board, commission or committee thereof, to file with the Documents Department two copies of the agenda of each regularly scheduled meeting of such board, commission or committee thereof, at least 72 hours prior to the time of such meeting. For special meetings of boards, commissions or committees, the agenda shall be filed with the Documents Department not less than 24 hours prior to the meeting. In addition, such secretary shall file with the Documents Department two copies of the minutes of the action taken at any meeting of such board, commission or committee thereof within 10 days of the date of such meeting. Any corrections, additions or amendments to said minutes shall be filed with the Documents Department within five working days after the date of any such correction, addition or amendment. The Documents Department shall retain such copies of agendas and minutes for a minimum period of 90 days.

The City Librarian shall designate a place in the central public library, accessible to the public, for the posting of agenda filed with the City Library pursuant to this Section. The City Librarian shall cause such agenda to be posted immediately upon receipt.

The reports or documents required to be filed pursuant to the provisions of this Section shall be made available by the Documents Department for reference thereto by the People of the City and County.

Any violation of the provisions of this Section on the part of any elective officer or any member of any board or commission shall be deemed to be official misconduct and any violation of the provisions of this Section on the part of any employee shall be deemed to be inattention to duties and considered cause for suspension or dismissal from service.

The provisions of this Section shall be deemed directory only. Failure to comply with the provisions of this Section shall not provide a basis for invalidating any action taken. (Amended by Ord. 51-87, App. 2/27/87)

SEC. 8.18. RECORDS TO BE INSCRIBED WITH NAME OF CITY AND COUNTY. Every person that shall supply books of account or records, or indices to municipal offices, shall have printed on the inside of both covers thereof the words "Property of the City and County of San Francisco" in letters not less than 1/4-inch in height. (Ordinance No. 1718, Sec. 1)

SEC. 8.19. COMPLIANCE WITH PRECEDING SECTION. No demand for books of account, records or indices shall be approved, unless the provisions of the preceding section are complied with. (Ordinance No. 1718, Sec. 2)

SEC. 8.20. POSSESSION OF IMPROPERLY INSCRIBED BOOKS PROHIBITED. No person, other than a state, city or county officer or employee, shall, without proper authority, take into his or her possession any account books, records or indices referred to in the two preceding sections. All such account books, records books and indices, whether kept in compliance with any statute or ordinance or otherwise, shall be carefully guarded and preserved. (Ordinance No. 1718, Sec. 3)

SEC. 8.21. LIBRARY COMMISSION — NOTE CARDS. The Library Commission is hereby authorized to print and sell note cards depicting books and other works of art in its library collection. The sales price for said note cards shall be established jointly by the Library Commission and the Purchaser of Supplies. Any and all moneys received from the sale of such note cards shall be deposited in the treasury in accordance with Charter provisions. (Added by Ord. 279-65, App. 11/17/65)

SEC. 8.21-1. ESTABLISHMENT OF A LIBRARY PUBLICATION FUND. (a) **Authority.** Notwithstanding the provisions of Section 8.12 of this Code, the Library Commission is hereby authorized to publish and sell, at no cost to the City and County, periodicals, monographs, pamphlets and books so published relating only to library subjects, San Francisco area subjects and San Francisco Library authorship as approved by the Library Commission.

(b) **Establish Fund.** There shall be established in the treasury of the City and County of San Francisco a special fund to be known and designated as the Library Publication Fund into which shall be deposited all monies received from the sale of any and all periodicals, monographs, pamphlets and books published pursuant to the authority herein contained.

The Library Commission is hereby authorized to accept any gift, devise or bequest for this purpose.

(c) **Use of Money in Publication Fund.** The monies received into the publication fund are hereby appropriated exclusively for the purpose of publishing and selling the items authorized and approved by the Library Commission.

(d) **Administration of an Expenditure from Publication Fund.** The sales price for said items shall be fixed by the Library Commission. Balances not in excess of

\$10,000 remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. Monies in excess of \$10,000 shall be transferred to the General Fund.

The Library Commission shall annually submit in writing to the Mayor, to the Controller and to the Board of Supervisors a report showing the total receipts and disbursements of the preceding year together with a description of the items published. (Added by Ord. 73-71, App. 3/25/71)

SEC. 8.22. REGISTRAR'S FEES. For the copying, certification, preparation or the borrowing of such records of the Registrar of Voters which citizens have a right by law to inspect and take a copy thereof, shall be paid to the Registrar of Voters, as follows:

(a) Photocopy of any such record not exceeding the size 8-1/2 inches by 14 inches (per page)	\$.50
(b) Photocopy of any such record exceeding the size of 8-1/2 inches by 14 inches (per page)	2.00
(c) Certifying any such record (per page)	1.00
(d) Preparing any abstract of such record (this is in addition to certifying or searching)	1.00
(e) Searching voter registration lists (per year)50
(f) Precinct book (per copy)	at cost
(g) Index of registered voters (per 1000 names)50
(h) Electronic data processing tape of the master index of voter registration for use in connection with election (as referred to in Resolution No. 517-67) (borrowing-per reel)	100.00

Such fees received by the Registrar of Voters shall be deposited with the City and County Treasurer, and the Controller shall reimburse the Registrar of Voters for the costs of materials and for the costs of interdepartmental services which must be paid for by the Registrar of Voters in order to perform the services and copy the documents referred to in this Section. (Amended by Ord. 50-70, App. 3/2/70)

SEC. 8.23. POLICE DEPARTMENT FEES. Notwithstanding the provisions of any other ordinance or resolution relating to application fees payable to secure any permit or license, the Police Commission of the City and County of San Francisco shall from time to time when necessary, with the concurrence of the Controller, fix the fees to be charged by the Police Department when furnishing reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

Such fees shall be not less than the cost to the Police Department for the reproducing, processing and furnishing of such reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

There shall be no charge to governmental agencies or other institutions affected with a public interest which in the opinion of the Chief of Police are entitled to such reproductions of reports, records, documents, data, other material and for

the imprinting and processing of fingerprints, by reason of policy or reciprocity and for which the Police Department is not required to incur expenses in the reproducing, furnishing, imprinting or processing of such reports, records, documents, data, other material or fingerprints.

The Police Commission shall have full authority to adopt such rules, regulations and procedures as it deems necessary and properly related to the reproducing, furnishing and processing of said reproductions and shall have full authority to adopt rules, regulations and procedures for the imprinting and processing of fingerprints and the terms and conditions upon which said reproducing and furnishing of reports, records, documents, data, other material and the imprinting and processing of fingerprints shall be accomplished. (Added by Ord. 225-71, App. 9/2/71)

SEC. 8.24. RECORDER'S FEES. The Recorder is hereby authorized to charge fees for the copying of the microfiche grantor-grantee index as follows:

Photocopy of such grantor-grantee index (per page) \$1.00.

Such fees received by the Recorder shall be deposited with the County Treasurer. The Controller shall reimburse the Recorder for the costs of materials and for the costs of interdepartmental services which must be paid for by the Recorder in order to copy the index referred to in this Section. (Added by Ord. 489-76, App. 12/10/76)

SEC. 8.24-1. ESTABLISHMENT OF A RECORDER'S FUND. (a) The Recorder is hereby authorized to charge an additional one dollar for filing every instrument, paper, or notice for record, as permitted by Section 27361.4 of the Government Code of the State of California.

(b) There shall be established in the treasury of the City and County of San Francisco a special fund to be known as the Document Storage Conversion Fund into which shall be deposited all the additional fees collected by the Recorder under the statutory authority above-referenced. The monies received into this fund are to be used exclusively to defray the cost of converting the Recorder's documents to micrographics, which includes the purchasing of reader/printers and a rapid computer assisted retrieval system; the hiring of personnel; and the funding for micrographic training expenses, cabinets for storage and other related supplies, equipment, furniture and moving expenses. The expenditures from said fund shall be in accordance with the budget and fiscal provisions of the Charter. Any balance remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purpose recited above. Upon completion of the conversion and payment of the costs therefor the additional fees authorized by this Section shall no longer be imposed and the fund shall be terminated. (Added by Ord. 13-81, App. 1/7/81)

SEC. 8.25. DESTRUCTION OF CRIMINAL HISTORY RECORDS. Notwithstanding the provisions of any other ordinance or resolution relating to the copying and retention of records under its control, the Police Commission of the City and County of San Francisco is empowered to destroy criminal history records

maintained or in the possession of the San Francisco Police Department in accordance with the current schedule of destruction of criminal history records of the Office of the Attorney General of the State of California.

If there be no current schedule of destruction of criminal history records of the Attorney General, the Police Commission may establish such a schedule which in its good judgment will not adversely affect law enforcement.

The Police Commission shall have full authority to adopt such rules, regulations and procedures as it deems necessary and properly relating to the destruction of criminal history records. (Added by Ord. 63-75, App. 2/26/75)

SEC. 8.26. CIVIL SERVICE COMMISSION INSPECTION AND FINGERPRINT FEES. Following posting of a tentative list of eligibles, the examination papers of anyone eligible shall be available for inspection for a fee of five dollars, which fee is waived for eligibles who wish to inspect their own papers.

Notwithstanding the provisions of any other ordinance or resolution relating to fees, the Civil Service Commission of the City and County of San Francisco shall from time to time when necessary fix the fees to be charged by the Civil Service Commission when furnishing reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

Such fees shall not be less than the cost to the Civil Service Commission for the reproducing, processing and furnishing of such reports, records, documents, data, other material and for the imprinting and processing of fingerprints.

The Civil Service Commission shall have full authority to adopt such rules, regulations and procedures as it deems necessary and properly related to the reproducing, furnishing and processing of said reproductions. It shall have full authority to adopt rules, regulations and procedures for the imprinting and processing of fingerprints and the terms and conditions upon which said reproducing and furnishing of reports, records, documents, data, other material and the imprinting and processing of fingerprints shall be accomplished. (Amended by Ord. 66-79, App. 2/9/79)

SEC. 8.27. SHERIFF'S DEPARTMENT FEES. Notwithstanding the provisions of any other ordinance or resolution relating to application fees payable to secure any permit or license, the Sheriff of the City and County of San Francisco shall from time to time when necessary, with the concurrence of the Controller and the Board of Supervisors, fix the fees to be charged by the Sheriff's Department for the care and maintenance of prisoners from other jurisdictions; for the furnishing of reproductions of reports, records, documents, data, other materials; and for the imprinting and processing of fingerprints.

Such fees shall be not less than the cost to the Sheriff's Department for the care and maintenance of such prisoners; the reproducing, processing and furnishing of such reports, records, documents, data and other materials; and for the imprinting and processing of fingerprints.

There shall be no charge to governmental agencies or other institutions affected with a public interest and which in the opinion of the Sheriff are entitled to such reproductions of reports, records, documents, data, other material and for the imprinting and processing of fingerprints, by reason of policy or reciprocation and

for which the Sheriff's Department is not required to incur expenses in the reproducing, furnishing, imprinting or processing of such reports, records, documents, data, other material or fingerprints.

The Sheriff shall have full authority to adopt such rules, regulations and procedures as he or she deems necessary and properly related to the care and maintenance of prisoners from other jurisdictions and for the reproducing, furnishing and processing of said reproductions. The Sheriff shall have full authority to adopt rules, regulations and procedures for the imprinting and processing of fingerprints and the terms and conditions. (Amended by Ord. 520-79, App. 10/19/79)

SEC. 8.28. CITY PLANNING FEES. The Department of City Planning is hereby authorized to charge fees for reproducing records which citizens have a right to inspect and copy as follows:

1. Photocopy of any record not exceeding 8½ inches by 14 inches (per page) \$0.25
2. Photocopy of any record exceeding 8½ by 14 inches (per page) .. 0.50

The Department of City Planning is hereby authorized to sell printed copies of the Master Plan, or any element thereof, and printed copies of other reports produced by the Department. The charges for such printed copies shall be determined by the Department of City Planning, but shall not exceed the cost to the Department for the reproduction of such reports.

There shall be no charge for one copy of the Master Plan and any elements thereof to governmental agencies or to a person who certifies under penalty of perjury that he or she is a duly authorized representative of an organization that is on the Department of City Planning's list of San Francisco neighborhood nonprofit organizations. The Department of City Planning shall issue written guidelines setting forth the procedure for an organization being included on such list. (Added by Ord. 92-86, App. 3/21/86)



CHAPTER 9A

FARMERS' MARKET

Sec. 9A.1.	Establishment Authorized; Approved Sales.
Sec. 9A.5.	Advisory Committee.
Sec. 9A.6.	Inspection of Products; Compliance with Applicable Laws.
Sec. 9A.7.	Fees.
Sec. 9A.8.	Distribution of Surplus Commodities to Needy Persons.
Sec. 9A.9.	Rules and Regulations.
Sec. 9A.10.	Persons Who May Sell at Market; Commission; Resales.
Sec. 9A.11.	Observance of Regulations; Products to be Kept Sanitary.
Sec. 9A.12.	Hours of Operation.
Sec. 9A.13.	Designation of Persons Authorized to Enter Premises.
Sec. 9A.14.	Permit—Required; Scope.
Sec. 9A.15.	Same—Terms and Conditions.
Sec. 9A.16.	Same—Suspension or Revocation.
Sec. 9A.17.	Permit—Effect of Suspension or Revocation.
Sec. 9A.18.	Permit—Appeals.
Sec. 9A.19.	Unlawful Entry Upon Premises.
Sec. 9A.20.	Violation of Section 9A.14 of this Code.

SEC. 9A.1. ESTABLISHMENT AUTHORIZED; APPROVED SALES.

The Chief Administrative Officer is hereby authorized to establish in the City and County a Farmers' Market and to maintain the same to direct the operations of the market for the sale of food, agricultural and horticultural products, fresh and dried, and for the sale of fish by the growers, producers or fishers thereof in the state.

(a) The sale of fish shall be limited to the sale of whole fish or fish filleted on the premises with properly sanitized utensils. All fish shall be stored at a temperature of 45° Fahrenheit or lower. All fish shall be sold from self-contained vehicles. There shall be proper waste disposal of any unsold fish and all fish cuttings, trimmings, wrappings and containers. (Amended by Ord. 408-83, App. 8/4/83)

SEC. 9A.5. ADVISORY COMMITTEE. The Chief Administrative Officer shall appoint a committee of two consisting of a member selected from the fruit, vegetable and fish industries in the City and County and a member who shall represent the producers of fruits, vegetables and fish disposed of at the market. Both such members shall hold office only at the pleasure of the Chief Administrative Officer. The Committee shall advise the Chief Administrative Officer or the department head in charge of the market as to the general policies under which the market shall be conducted and generally as to the character and nature of the products to be disposed of therein. The Chief Administrative Officer shall investigate all recommendations made by the Committee and, if he or she deems them proper, shall order the policies carried out in the market. (Amended by Ord. 408-83, App. 8/4/83)

SEC. 9A.6. INSPECTION OF PRODUCTS; COMPLIANCE WITH APPLICABLE LAWS. The Farmers' Market and all products sold or disposed of or offered for sale in the market shall be subject to inspection under and shall comply with and be subject to all local ordinances and regulations and all state laws governing the marketing of such products or governing the inspection, quality, standardization, weights, measures, quarantine, sanitation, marketing and sale of such products offered for sale by private individuals, firms and corporations. (Ord. No. 3758 (1939), Sec. 5)

SEC. 9A.7. FEES. Fees currently estimated sufficient to pay the operating and maintenance costs of the Farmers' Market and within a reasonable time to liquidate all capital expenditures made thereof, recommended by the Chief Administrative Officer and approved by the Controller, shall be charged to the seller of all products offered for sale at the Farmers' Market effective June 1, 1982, as follows:

June 1, through November 30

(a) Daily stall fee:	
Tuesday through Wednesday	\$ 4.50
Thursday	5.50
Friday	9.00
Saturday	16.50

December 1, through May 31

Tuesday through Wednesday	3.50
Thursday	4.25
Friday	7.00
Saturday	12.00

- (b) Entrance tonnage fee (to be charged only once against a given load).
 \$3.00 for the first 1000 pounds or fraction thereof.
 \$2.00 for the second 1000 pounds or fraction thereof.
 \$4.00 for each additional 2000 pounds or fraction thereof.

(Amended by Ord. 105-82, App. 3/5/82)

SEC. 9A.8. DISTRIBUTION OF SURPLUS COMMODITIES TO NEEDY PERSONS. Whenever there exists a surplus of farm commodities available for distribution to needy persons and families in the City and County, the Chief Administrative Officer may authorize the allocation of space at the Farmers' Market for distribution of such surplus to needy persons and families; provided:

(a) That such distribution will not interfere with the normal operations of the market;

(b) That the distribution shall entail no expense to the City and County other than use of space at the market;

(c) That such distribution shall be for a limited period, in no case to exceed 90 days in any one calendar year;

(d) That recipients of the surplus commodities are certified as needy and eligible for receipt of the commodities by the Welfare Department of the City and County; and

(e) That the commodities are distributed free without any charges whatsoever to recipients.

No market or other fees shall be charged in connection with distribution of surplus commodities as provided in this section. (Ord. No. 5927 (1939), Sec. 1)

SEC. 9A.9. RULES AND REGULATIONS. The Chief Administrative Officer is hereby authorized to make such rules and regulations as he or she shall deem proper for the conduct of the market and for the maintenance of sanitary conditions therein and for the identification of persons offering products for sale in the market, which rules shall not be in conflict with the provisions of this Chapter but shall be in furtherance thereof. Such rules shall be posted in a conspicuous place in the market and when so posted shall be deemed to be promulgated by the Chief Administrative Officer and shall thereafter have the same force and effect as though included in this Chapter. (Ord. No. 3758 (1939), Sec. 7)

SEC. 9A.10. PERSONS WHO MAY SELL AT MARKET; COMMISSION; REALES. Farm products may be sold or offered for sale at the Farmers' Market only by the grower, producer or fisher thereof or by members of his or her immediate family or by salespeople. No commission shall be paid by the growers or received by other persons involved in the transactions occurring at the market, except such commissions or fees as are paid at the market for the privilege of selling the products there. There shall be no resales made at the market. (Amended by Ord. 408-83, App. 8/4/83)

SEC. 9A.11. OBSERVANCE OF REGULATIONS; PRODUCTS TO BE KEPT SANITARY. All federal and State laws and regulations, as well as all local ordinances and regulations, applicable to the Farmers' Market and the products offered for sale therein shall be complied with by the seller, and growers, producers or fishers utilizing the facilities of the market shall keep the premises used by them in a clean and sanitary condition and shall remove all fruit, vegetable and fish cuttings, trimmings, wrappings and containers at the close of each day. (Amended by Ord. 408-83, App. 8/4/83)

SEC. 9A.12. HOURS OF OPERATION. The days and hours during which the Farmers' Market shall operate shall be fixed by the rules and regulations adopted and promulgated by the Chief Administrative Officer; provided that the market shall not operate on Sunday. (Ord. No. 3758 (1939), Sec. 10)

SEC. 9A.13. DESIGNATION OF PERSONS AUTHORIZED TO ENTER PREMISES. All persons are hereby prohibited from entering or remaining on the market premises unless any such person is a person entering or remaining on the market premises with the consent of a duly authorized representative of the department head; a person making use of the market facilities under a validly issued and subsisting permit in full force and effect; an actual or prospective customer; or a person accompanying any such actual or prospective customer. (Ord. No. 8649 (1939), Sec. 1)

SEC. 9A.14. PERMIT—REQUIRED; SCOPE. No person shall sell, keep for sale or offer to sell market or farm produce, edible merchandise, or any other merchandise or product except under the authority of a duly issued and validly

subsisting permit and pursuant to the terms and conditions thereof. No permittee nor any of his or her agents or employees shall bring onto the market premises, keep in his or her possession, offer to sell or sell any market or farm produce or any edible merchandise which has not been produced on land owned or possessed by, or, in the case of fish, caught or bred by the permittee. Persons acting under a duly issued, valid and subsisting permit may bring onto the market premises, keep in their possession, offer to sell or sell only such market or farm produce and edible merchandise which has been produced on land owned or possessed by, or, in the case of fish, caught or bred by the permittee. Whenever a permittee, either by himself or herself or through his or her agents and employees, brings onto the market premises, or has in his or her possession on the premises, or sells or offers to sell market or farm produce or edible merchandise which produce or merchandise has not been produced on land belonging to or, in the case of fish, has not been caught or bred by the permittee, the department head may immediately suspend the permittee's permit to use the market premises for a period of no less than 30 days and no more than 90 days thereafter, as in the discretion of the department head shall seem proper. (Amended by Ord. 408-83, App. 8/4/83)

SEC. 9A.15. SAME — TERMS AND CONDITIONS. Permits to use the market facilities shall operate to vest in the permittee the privilege of entering on the market premises and making use of the market facilities only upon the following terms and conditions:

(a) The proper filing on an application duly made out for a permit to use the market facilities;

(b) The granting of written permission by the permittee, given concurrently with the application for a permit to use and enjoy the market facilities, for the duly authorized representative of the department head to enter on land owned or possessed, in whole or in part, and in the case of fish, on the boat or other property owned or possessed, in whole or in part, by the permittee at all reasonable times for the purpose of determining what farm or market produce or edible merchandise has been produced on such land or, in the case of fish, caught or bred, with the use of or on such premises of such properties. Such license to enter on the land or property of the permittee shall be given expressly in consideration of the granting of the permit applied for and shall be irrevocable during such period that the permit is in full force and effect and for an additional period of ten days thereafter;

(c) Compliance with the requirements of all ordinances relating to the operation, use and enjoyment of the facilities or the market premises;

(d) Compliance with all rules and regulations of the Chief Administrative Officer regarding use of the market facilities. (Amended by Ord. 408-83, App. 8/4/83)

SEC. 9A.16. SAME — SUSPENSION OR REVOCATION. Whenever a permittee refuses permission to the duly authorized representative of the department head to enter on land owned or possessed, in whole or part, and, in the case of fish, on the boat or other property owned or possessed, in whole or in part, by the permittee, in breach of the license to enter as provided in Section 9A.14 of this Code, the department head may indefinitely suspend or revoke the permit belonging to the permittee. (Amended by Ord. 408-83, App. 8/4/83)

SEC. 9A.17. PERMIT — EFFECT OF SUSPENSION OR REVOCATION. A permittee of a suspended permit shall not enter onto market premises for any purpose during such period of time as the permit is suspended. A permittee whose permit has been suspended shall be ineligible to apply for a new permit during such period as his or her permit is under suspension. Any permittee whose permit has been revoked shall be ineligible to apply for a new permit for a period of two years following such revocation unless sooner allowed to qualify for a permit by the Chief Administrative Officer. Any permittee whose permit has been suspended more than twice in an 18-month period may, upon the occasion giving grounds for a third suspension, have such permit indefinitely suspended or revoked in the discretion of the department head. (Ord. No. 8649 (1939), Sec. 1)

SEC. 9A.18. PERMIT — APPEALS. Any applicant denied a permit or any permittee whose permit has been suspended or revoked by the department head may immediately file an appeal in writing with the Chief Administrative Officer. The Chief Administrative Officer shall set a time for hearing the appeal which shall be within seven days of the date of filing thereof. The applicant or permittee shall be notified of the time and place of the hearing in advance thereof and shall be entitled to appear at the hearing and be heard. After such hearing the Chief Administrative Officer may concur in the action of the department head, or he or she may overrule the department head and order that the permit be immediately granted or restored. The Chief Administrative Officer shall appoint an officer to act on such appeals in his or her absence who shall have the same powers with respect thereto as are herein granted the Chief Administrative Officer. (Ord. No. 8649 (1939), Sec. 1)

SEC. 9A.19. UNLAWFUL ENTRY UPON PREMISES. Any person entering the market premises in violation of Section 9A.13 of this Code, any permittee entering the premises while his or her permit is suspended and any person remaining on the premises after being ordered to leave by the duly authorized representative of the department head, are hereby declared to be trespassers and guilty of a misdemeanor and upon arrest and conviction shall be punished by not more than a \$50 fine or by imprisonment in the County Jail for not more than 10 days, or by both such fine and imprisonment. (Ord. No. 8649 (1939), Sec. 1)

SEC. 9A.20. VIOLATION OF SECTION 9A.14 OF THIS CODE. Any permittee who either personally or through his or her agents or employees violates Section 9A.14 of this Code shall be guilty of a misdemeanor and upon arrest and conviction shall be punished by a fine of not more than \$500 or by imprisonment in the County Jail for not more than 30 days, or by both such fine and imprisonment. (Ord. No. 8649 (1939), Sec. 1)

CHAPTER 10

FINANCE, TAXATION AND OTHER FISCAL MATTERS

ARTICLE I IN GENERAL

- Sec. 10.1. Annual Economic Statement—City-Funded Organizations.
- Sec. 10.2. Authorization for the Assessor, Controller and Tax Collector to Perform Certain Acts.
- Sec. 10.2-1. Claims for Property Tax and Exemption in Accordance with Section 273 of Revenue and Taxation Code.
- Sec. 10.2-2. Tax Assessment Payments in Even Cents Only.
- Sec. 10.2-3. Assessor Authorized to Accept Applications for Reductions in Assessments.
- Sec. 10.2-4. Payment of Taxes in Installments.
- Sec. 10.2-5. Reassessment of Property Due to Misfortune or Calamity.
- Sec. 10.2-6. Annual Assessment Roll to be Open to Inspection.
- Sec. 10.3. Collection of Unsecured Property Taxes.
- Sec. 10.3-1. Collection of Secured Personal Property Taxes.
- Sec. 10.3-2. Reports of Expenditures, Etc., for Street and Road Purposes.
- Sec. 10.3-3. Agreement with Bay Area Rapid Transit District as to Payments to City by District Under State Law.
- Sec. 10.4. Audit Advisory Committee.
- Sec. 10.4-1. Audit Advisory Committee—Membership.
- Sec. 10.4-2. Audit Advisory Committee—Recommendations and Reports.
- Sec. 10.4-3. Audit Advisory Committee—Duties and Responsibilities of the Controller.
- Sec. 10.5. Deposit of Inactive Accounts.
- Sec. 10.6. Audits and Investigations by Controller—To be Performed as Required by Charter.
- Sec. 10.6-1. Controller's Audit of Veterans' Exemption Claims.
- Sec. 10.6-2. Controller's Audit of Leases Under Which City is Lessor.
- Sec. 10.7. Controller's Audit of Veterans' Exemption Claims—Authority of Controller to Enter Into Contracts for Purposes of Audit.
- Sec. 10.7-1. Comment upon Audit of Books by Controller; Report to Controller.
- Sec. 10.8. Comment upon Audit of Books by Controller; Contracts to be Entered Into Only When Funds are Appropriated.
- Sec. 10.8-1. Designation of Controller-Auditor and Treasurer of Hunters Point Reclamation District.
- Sec. 10.9. Deposit of Repaid Moneys Which Were Incorrectly Paid.
- Sec. 10.10. Receipt of Negotiable Paper for Collection—Definitions.
- Sec. 10.11. Receipt of Negotiable Paper for Collection—Receipt Authorized; Exception.
- Sec. 10.12. Receipt of Negotiable Paper for Collection—Submission to Treasurer for Collection.

- Sec. 10.13. Receipt of Negotiable Paper for Collection—Return When Amount is Insufficient.
- Sec. 10.13-1. Charge for Personal Checks Returned without Payment.
- Sec. 10.14. Receipt of Negotiable Paper for Collection—When Payment is Deemed Made.
- Sec. 10.15. Receipt of Negotiable Paper for Collection—Payments in Excess of Obligation.
- Sec. 10.16. Inapplicability of Sections 10.10—10.15.
- Sec. 10.17. Accounting for and Reporting Income Taxes—Controller's Duties.
- Sec. 10.18. Accounting for and Reporting Income Taxes—Duties of City Offices, Boards and Commissions.
- Sec. 10.19. Expenditures for Propagation and Conservation of Fish and Game.

ARTICLE II

SETTLEMENT OF CLAIMS FOR AND AGAINST CITY AND COUNTY

- Sec. 10.20-1. Necessity for Filing Claim.
- Sec. 10.20-2. Presentation and Form of Claim.
- Sec. 10.20-3. Time of Presentation of Claims.
- Sec. 10.20-4. Place of Presentation of Claim.
- Sec. 10.20-5. Disposition of Claims.
- Sec. 10.20-6. Disposition of Claims by Commissions.
- Sec. 10.20-7. Application for Leave to Present Late Claim.
- Sec. 10.20-8. Requests for Waiver of Statute of Limitations.
- Sec. 10.21. Allowance and Settlement of Unlitigated Claims Generally.
- Sec. 10.22. Allowance or Settlement of Claims Exceeding Five Thousand Dollars, with Exceptions.
- Sec. 10.22-1. Settlement of Minor's Claims.
- Sec. 10.22-2. Settlement of Litigation not Exceeding Five Thousand Dollars.
- Sec. 10.23. Claims in Favor of City and County—Notice to be Filed.
- Sec. 10.24. Claims in Favor of the City and County—Settlement.
- Sec. 10.25. Exceptions to Four Preceding Sections.
- Sec. 10.25-1. Officers and Employees Included Within the Provisions of Sections 10.25-1 through 10.25-7.
- Sec. 10.25-2. Uniformed Officers and Employees Defined.
- Sec. 10.25-3. Replacement or Repair of Damaged Equipment, Property or Prostheses of Uniformed Officers and Employees.
- Sec. 10.25-4. Time in Which Verified Claim Must be Filed.
- Sec. 10.25-5. Requisites for Payment; Availability of Funds; Certification of Department Head.
- Sec. 10.25-6. Limitation on Recovery.
- Sec. 10.25-7. Controller to Establish Rules and Regulations.
- Sec. 10.25-8. Claim by an Officer or Employee Other than Those Specified in Section 10.25-1.
- Sec. 10.25-9. Claim by an Officer or Employee Other than Those Specified in Section 10.25-1 for Stolen Property.

- Sec. 10.26. Deposit of Money Received.
- Sec. 10.27. Overpayment of Salary or Wages.
- Sec. 10.27-1. Controller May Offset.
- Sec. 10.27-2. Controller May Offset—If Amount Owed Is Insufficient.
- Sec. 10.27-3. Controller May Offset—When Amount Becomes Payable.
- Sec. 10.27-4. Controller May Offset—When Person Fails to Bill for Payment.
- Sec. 10.27-5. Controller May Offset—Net Amount.
- Sec. 10.27-6. Controller May Offset—Section 16.32 Not Abridged.
- Sec. 10.28. Special Counsel for Controller upon Actions Against Him or Her by City and County.

ARTICLE III

COLLECTION OF TAXES FROM FEDERALLY CONDEMNED LAND

- Sec. 10.29. Acceptance of Sums Paid on Cancellation of Taxes.
- Sec. 10.30. Disposition of Moneys Accepted under Provisions of Preceding Section.
- Sec. 10.30-1. In-Lieu Tax Payments Received by Redevelopment Agency.

ARTICLE IV.

COMPENSATION FOR USE OF PRIVATELY OWNED AUTOMOBILES

- Sec. 10.31. Authorized.
- Sec. 10.32. Actual Official Expenses to be Paid.
- Sec. 10.33. Effect of Travel Expense Regulations.
- Sec. 10.34. Grant of Authority to Use Automobiles; Establishment of Mileage Rates.
- Sec. 10.35. Claims for Reimbursement.
- Sec. 10.36. Rules for Presentation of Vouchers.

ARTICLE V

BUREAU OF DELINQUENT REVENUE COLLECTION

- Sec. 10.37. Established; to be Under Direction of Tax Collector.
- Sec. 10.38. Reports of Accounts Receivable and Delinquent Taxes to Bureau.
- Sec. 10.39. Bureau to Collect All Claims; Exception of Assigned Claims.
- Sec. 10.39-1. Assignment of Accounts for Purposes of Collection.
- Sec. 10.39-2. Director of Adult Probation Department to Recover Costs of Incarceration.
- Sec. 10.39-3. Annual Determination of Average Per-Day Costs of Incarceration.
- Sec. 10.39-4. Sheriff's Work Alternative Program Fees.
- Sec. 10.40. Compromise or Abandonment of Claims.
- Sec. 10.41. Collection of Delinquent Municipally Owned Utility Accounts.
- Sec. 10.41-1. Collection of Social Services, Port, and Airports Commission Accounts.

Sec. 10.42. Quarterly Reports.

ARTICLE VI REFUND OF ERRONEOUSLY COLLECTED MONEY

- Sec. 10.43. Procedure on Application for Refund of Fees.
- Sec. 10.43-1. Procedure on Application for Refund of Fees—Time for Presentation of Claims.
- Sec. 10.43-1.1. Procedure on Application for Refund of Fees—Itemization and Verifications of Claims.
- Sec. 10.43-1.2. Procedure on Application for Refund of Fees—Approved by Department.
- Sec. 10.43-1.3. Procedure on Application for Refund of Fees—Claims Returned for Correction.
- Sec. 10.43-1.4. Procedure on Application for Refund of Fees—Audit by Controller.
- Sec. 10.43-1.5. Procedure on Application for Refund of Fees—Disapproved by Controller; Claimant to be Notified.
- Sec. 10.43-1.6. Procedure on Application for Refund of Fees—Exceptions.
- Sec. 10.43-1.7. Procedure on Application for Refund of Fees—Refunds Generally; Retroactive Effect of Refunds.
- Sec. 10.43-5. Rental Deposits, Civic Auditorium and Brooks Hall.

ARTICLE VII DISPOSITION OF UNIDENTIFIED TAX COLLECTIONS

- Sec. 10.44. Deposit with Treasurer; Separate Account in General Fund.
- Sec. 10.45. Credit and Transfer of Identified Funds.
- Sec. 10.46. Escheat of Funds Unidentified for Ten Years.

ARTICLE VIII FISCAL AGENT FOR BOND PAYMENTS IN NEW YORK

- Sec. 10.47. Appointment of New York Fiscal Agent.
- Sec. 10.48. Payment of Agent.
- Sec. 10.49. Procedure for Payment; Agent's Bond.
- Sec. 10.49-1. Payment of Lost or Destroyed Bond Coupons.
- Sec. 10.49-2. Indemnity Agreement and Account to be Charged.
- Sec. 10.49-5. Clearing House Representative.

ARTICLE IX SALE OF TRUST SECURITIES

- Sec. 10.50. Sale Authorized.
- Sec. 10.51. Fixing Price.
- Sec. 10.52. Notice of Sale; Procedure at Auction or Private Sale.
- Sec. 10.53. Approval of Minimum Sales Price.
- Sec. 10.54. Expense of Sale.

- Sec. 10.55. Article Not Applicable to Retirement System Securities.
Sec. 10.56. Endorsement by Mayor.

ARTICLE X

MONEYS RECEIVED BY MUNICIPAL COURT

- Sec. 10.57. Money to be Delivered to Treasury as Provided by Section 6.311 of the Charter.
- Sec. 10.57A. Payment by Credit Card.
- Sec. 10.58. Money from Traffic Court or Traffic Fines Bureau to be Deposited in Commercial Bank Account—Generally; Account Designated.
- Sec. 10.59. Money from Traffic Court or Traffic Fines Bureau to be Deposited in Commercial Bank Account—Signing Checks Drawn on Account.
- Sec. 10.60. Money from Traffic Court or Traffic Fines Bureau to be Deposited in Commercial Bank Account—Deposit in Accounts.
- Sec. 10.61. Money from Traffic Court or Traffic Fines Bureau to be Deposited in Commercial Bank Account—Check to be Drawn in Favor of Treasurer in Same Amount as Deposit.
- Sec. 10.62. Money From Traffic Court or Traffic Fines Bureau to be Deposited in Commercial Bank Account—Effect on Treasurer's Check Upon Noncollection of Deposit.
- Sec. 10.63. Money from Traffic Court or Traffic Fines Bureau to be Deposited in Commercial Bank Account—Effect of Uncollected Deposits on Cleared Traffic Cases.
- Sec. 10.64. Deposit of Unidentified and Excess Payments.
- Sec. 10.65. Municipal Court Suspense Account.
- Sec. 10.66. Repayment of Excess Payments; Transfer of Unclaimed Excess Payments.
- Sec. 10.67. Return and Register of Insufficient or Deficient Checks.
- Sec. 10.68. Transfer of Unidentifiable Collections upon Subsequent Identification.
- Sec. 10.69. Municipal Court Clerk's Records and Reports.

ARTICLE XI

NUMBERING OF LOTS AND BLOCKS FOR ASSESSMENT PURPOSES

- Sec. 10.70. Formulation of System of Numbering Lots and Blocks; Preparation of Maps.
- Sec. 10.71. Lot and Block Numbers to be Written on Assessment Rolls.
- Sec. 10.72. Changes in Map and Block Books.
- Sec. 10.73. Filing of Copies of Block Books.

ARTICLE XII

RISK MANAGEMENT PROGRAM

- Sec. 10.74. Procurement Subject to Board of Supervisors' Approval.

- Sec. 10.75. Annual Risk Management Budget.
- Sec. 10.77. Contract for Expert Services.
- Sec. 10.78. Article Not to Apply to Workers' Compensation Insurance.
- Sec. 10.79. Transfers of Funds by Treasurer for Maintenance; Controller's Approval.
- Sec. 10.79-1. Transfer of Funds Pending Bond Sales.
- Sec. 10.79-2. Investment of Surplus Funds; Delegation to Treasurer.
- Sec. 10.79-3. Funds, Transfer of—Interest Payments.
- Sec. 10.80. Creation of Special Funds upon Receipt of Gifts; Expenditures from Such Funds.
- Sec. 10.81. Deposit of Funds in Banks Generally.
- Sec. 10.81-1. Monies and Securities in Treasury.
- Sec. 10.82. Receipt of Funds by Controller Formerly Received by Sheriff.
- Sec. 10.83. Hetch Hetchy Transit Power Division Stores Revolving Fund—Created.
- Sec. 10.83-1. Hetch Hetchy Transit Power Division Stores Revolving Fund—All Purchases for Hetch Hetchy Transit Power Division.
- Sec. 10.83-2. Hetch Hetchy Transit Power Division Stores Revolving Fund—If Balance Insufficient.
- Sec. 10.83-3. Purchaser of Supplies in Charge of Storerooms and Warehouses.
- Sec. 10.83-4. Controller to Prescribe Procedures for Purchase and Issuance of Stores.
- Sec. 10.84. Special Gas Tax Street Improvement Fund—Created.
- Sec. 10.85. Special Gas Tax Street Improvement Fund—Payments into Fund.
- Sec. 10.86. Special Gas Tax Street Improvement Fund—Expenditures from Fund.
- Sec. 10.87. Special Gas Tax Street Improvement Fund—Agreements in Connection with Fund.
- Sec. 10.88. "Cash Difference Fund" and "Overage Fund."
- Sec. 10.88-1. Counterfeit Moneys.
- Sec. 10.89. Reserve Fund for Self-Insurance Against Certain Liability of Officers and Employees.
- Sec. 10.90. Deposits of Proceeds of Sale of City/County-Owned Personal Property in Stores Revolving Fund.
- Sec. 10.91. Community Redevelopment Fund.
- Sec. 10.92. Special Aviation Fund.
- Sec. 10.93. Funds from Veterans' Administration—Authority to Accept.
- Sec. 10.94. Funds from Veterans' Administration—Liability of City.
- Sec. 10.95. Municipal Railway Excess Liability Accident Reserve Fund—Created; Amount.
- Sec. 10.96. Municipal Railway Excess Liability Accident Reserve Fund—Payments into Fund.
- Sec. 10.97. Municipal Railway Capital Reserve Fund.
- Sec. 10.100. War Memorial Reserve.
- Sec. 10.101. San Francisco War Memorial Maintenance and Capital Improvement Fund—Establishment of.
- Sec. 10.102. War Memorial Special Fund.

San Francisco Administrative Code

- Sec. 10.103. War Memorial Reserve—Balances in Fund.
- Sec. 10.104. Old Gold Trust Fund—Created; Deposits in Fund.
- Sec. 10.105. Old Gold Trust Fund—Use of Moneys in Fund.
- Sec. 10.106. Old Gold Trust Fund—Administration of and Expenditures from Fund.
- Sec. 10.107. Acceptance for Infantile Paralysis Cases; Special Fund Created.
- Sec. 10.108. Acceptance for Log Cabin Ranch School for Boys; Special Fund Created.
- Sec. 10.109-2. Golden Gate Park Centennial Fund.
- Sec. 10.109-3. Protocol and Host Fund.
- Sec. 10.109-4. Cable Car System Fund.
- Sec. 10.109-5. Sister-City Committee Fund: Establishment of Fund; Acceptance of Gifts; Authorization to Expend; and Accrual of Monies in Fund.
- Sec. 10.109-6. San Francisco Convention Promotion and Services Fund: Establishment of Fund; Acceptance of Gifts; Authorization to Expend; and Accrual of Monies in Fund.
- Sec. 10.109-7. Public Utilities Awards Fund: Establishment of Fund; Acceptance of Gifts; Authorization to Expend; Interest; and Accrual of Monies in Fund.
- Sec. 10.109-8. Department of Public Works Awards Fund: Establishment of Fund; Acceptance of Gifts; Authorization to Expend; Interest; and Accrual of Monies in Fund.
- Sec. 10.110. San Francisco General Hospital; Laguna Honda Hospital; Acceptance of Gifts; Special Funds Created.
- Sec. 10.110-1. Department of Public Health; Acceptance of Gifts.
- Sec. 10.111. Department of Public Health—Establishment of Workshop; Sale of Merchandise; Disposition of Sale Proceeds.
- Sec. 10.112. Department of Public Health—Purchases for Workshop; Employment and Pay of Inmates.
- Sec. 10.113. Department of Public Health—Laguna Honda Home Workshop Fund—Created; Deposit of Moneys.
- Sec. 10.114. Department of Public Health—Use of Moneys in Fund.
- Sec. 10.114-1. Department of Public Health—Laguna Honda Home Trust Fund.
- Sec. 10.115. Achenbach Gift.
- Sec. 10.116. Acceptance of Gifts to City and County Not to Exceed Five Thousand Dollars.
- Sec. 10.116-1. Acceptance of Gifts to City and County Not to Exceed Five Thousand Dollars—Cash Gifts Deposited with Treasurer.
- Sec. 10.116-2. Acceptance of Gifts to City and County Not to Exceed Five Thousand Dollars—Non-Cash Gifts.
- Sec. 10.116-3. Acceptance of Gifts to City and County Not to Exceed Five Thousand Dollars—Reports.
- Sec. 10.116-4. Acceptance of Gifts, Devises and Bequests by the Fine Arts Museums of San Francisco.
- Sec. 10.116-5. Project Safe Fund.
- Sec. 10.117. Acceptance for Litter Control; Special Fund Created.

- Sec. 10.117-1. Art Commission: Establishment of Special Funds for the Arts Generally and for Public Art Media.
- Sec. 10.117-2. Adult Probation Revolving Fund for Temporary Loan to Probationers Under the Special Supervision Program.
- Sec. 10.117-3. Police Officers' Training Fund.
- Sec. 10.117-4. Water Quality Improvements Trust Fund.
- Sec. 10.117-5. Drug Abuse Prevention; Acceptance of Gifts Therefor; Special Fund Created.
- Sec. 10.117-6. Establishment of an Information and Publication Continuing Appropriation Account.
- Sec. 10.117-7. Sheriff's Deputies Training Fund.
- Sec. 10.117-8. County Jail Prisoners, Acceptance of Gifts Therefor; Special Fund Created.
- Sec. 10.117-9. San Francisco War Memorial Maintenance and Capital Improvement Fund—Establishment of.
- Sec. 10.117-10. Treasurer's Fund for Re-Issuing Certain Forged Warrants.
- Sec. 10.117-11. Federal Grants for Highway Safety Projects—Application for and Acceptance of.
- Sec. 10.117-12. Sheriff's Management Assistance Fund.
- Sec. 10.117-13. Library Special Collections Fund; Establishment; Deposits; Expenditures.
- Sec. 10.117-15. Museums Admission Special Revenue Fund; Definitions; Establishment; Deposits; and Expenditures.
- Sec. 10.117-16. Sheriff's Special Maintenance Fund.
- Sec. 10.117-17. Medi-Cal Special Fund.
- Sec. 10.117-18. City Attorney Arbitration Panel Income Fund; Establishment; Deposits; Expenditures.
- Sec. 10.117-19. Residential Rent Stabilization and Arbitration Board Certification Fund; Establishment; Deposits; Expenditures.
- Sec. 10.117-20. Establishment of Deferred Payment of Settlement Trust Fund.
- Sec. 10.117-21. Domestic Violence Program Fund; Establishment; Purpose; Accrual; Administration; Disbursement.
- Sec. 10.117-22. Special Alcohol Program Trust Account.
- Sec. 10.117-23. Dolphin Club Special Fund; Establishment; Expenditures.
- Sec. 10.117-24. Public Health Laboratory Fund.
- Sec. 10.117-26. Special Alcohol and Drug Abuse Fund.
- Sec. 10.117-27. Infant Car Seat Deposit Fund.
- Sec. 10.117-28. Civil Service Commission Fingerprint Processing Fund.
- Sec. 10.117-30. San Francisco General Hospital Stores Fund.
- Sec. 10.117-31. San Francisco Port Commission Promotional Fund.
- Sec. 10.117-32. Special Alcohol Fund.
- Sec. 10.117-33. Mayor's Fund for the Homeless.
- Sec. 10.117-34. Children's Trust Fund; Establishment; Purpose; Appropriation; Accrual; Administration; Disbursement.
- Sec. 10.117-35. Courthouse Temporary Construction Fund.
- Sec. 10.117-36. Special Alcohol Fund: Drinking Driver and First Offender Programs.

- Sec. 10.117-38. Special Alcohol Fund: Harriet Street Center and Alcoholism Evaluation and Treatment Center Programs.
- Sec. 10.117-39. Toxic Materials Special Fund.
- Sec. 10.117-41. Performing Arts Loan Fund.
- Sec. 10.117-42. Voluntary Arts Contributions Fund.
- Sec. 10.117-43. City Attorney Special Litigation Contingency Fund.
- Sec. 10.117-44. Municipal Railway Operators Lounge Facilities Fund.
- Sec. 10.117-47. District Attorney Family Support Bureau's Tax Intercept Program Revolving Fund.
- Sec. 10.117-48. Baseball Stadium Fund.
- Sec. 10.117-49. Emergency Mercy Fund.
- Sec. 10.117-50. Housing Affordability Fund.
- Sec. 10.117-53. Department of Public Works Nuisance Abatement and Removal Fund.
- Sec. 10.117-54. Narcotics Forfeiture Fund.
- Sec. 10.117-55. Youth and Children Services Contributions Fund.
- Sec. 10.117-57. Officers for Justice Scholarship Fund.
- Sec. 10.117-58. CMHS Substitute Payee Program Trust Fund.
- Sec. 10.117-59. San Francisco Urban Development Action Grant Revolving Loan Fund; Establishment of Fund; Authorization to Expend; Administration of Loans; Accrual of Monies in Fund; and Program Status.
- Sec. 10.117-60. San Francisco Economic Development Revolving Loan Fund; Establishment of Fund; Authorization to Expend; Administration of Loans; Accrual of Monies in Fund; and Program Status.
- Sec. 10.117-61. San Francisco Small Business Revolving Loan Fund; Establishment of Fund; Authorization to Expend; Administration of Loans; Accrual of Monies in Fund; and Program Status.
- Sec. 10.117-62. Beach Nourishment Plan Fund.
- Sec. 10.117-63. Dispute Resolution Program Fund.

ARTICLE XIV
PROCEDURE FOR FINANCING PUBLIC FACILITIES

- Sec. 10.118. Findings; Incorporation of Agreement.
- Sec. 10.119. Purpose; Authority for Enactment.
- Sec. 10.120. Construction and Financing Pursuant to Article.
- Sec. 10.121. Approval of Agreement for Parking Facility Beneath Portion of Civic Center Plaza.
- Sec. 10.122. Call for Bids for Civic Center Plaza Parking Facility; Award and Execution of Land Lease and Operating Agreement.
- Sec. 10.123. Execution and Attestation of Documents in Connection with Civic Center Plaza Parking Facility.

- Sec. 10.124. City Acting as Parking Authority of Civic Center Plaza Parking Facility.

ARTICLE XV CASH REVOLVING FUNDS

- Sec. 10.125. Cash Revolving Funds—Authorized; Purposes Generally.
 Sec. 10.126. Cash Revolving Funds—Purposes.
 Sec. 10.127. Cash Revolving Funds—"Cash Revolving Fund," Construed.
 Sec. 10.128. Cash Revolving Funds—Subdivisions of Funds; Withdrawals by Check.
 Sec. 10.129. Cash Revolving Funds—Responsibility for Amount of Funds.
 Sec. 10.130. Cash Revolving Funds—Accounts; Warrants to Cover Approved Disbursements from Fund.
 Sec. 10.131. Cash Revolving Funds—Repayment of Disapproved Disbursements.
 Sec. 10.132. Cash Revolving Funds—Airport; \$20,000.
 Sec. 10.132-5. Cash Revolving Funds—San Francisco Art Commission; \$3,500.
 Sec. 10.133. Cash Revolving Funds—Assessor; \$2000.
 Sec. 10.135. Cash Revolving Funds—Central Permit Bureau; \$100.
 Sec. 10.136. Cash Revolving Funds—City Attorney; \$5000.
 Sec. 10.137. Cash Revolving Funds—Civic Auditorium; \$50.
 Sec. 10.138. Cash Revolving Funds—Civil Service Commission; \$1000.
 Sec. 10.139. Cash Revolving Funds—Controller; \$100.
 Sec. 10.140. Cash Revolving Funds—County Clerk; \$500.
 Sec. 10.141. Cash Revolving Funds—Fine Arts Museum; \$1000.
 Sec. 10.141A. Cash Revolving Funds—Asian Arts Museum; \$1000.
 Sec. 10.142. Cash Revolving Funds—Disaster Corps; \$200.
 Sec. 10.143. Cash Revolving Funds—Electricity, Department of; \$4000.
 Sec. 10.144. Cash Revolving Funds—Farmers' Market; \$150.
 Sec. 10.144-5. Cash Revolving Funds—Fire Department; \$3,000.
 Sec. 10.145. Cash Revolving Funds—Hetch Hetchy Project; \$20,000.
 Sec. 10.146. Cash Revolving Funds—Juvenile Probation Committee; \$5000.
 Sec. 10.147. Cash Revolving Funds—Laguna Honda Home; \$15,000.
 Sec. 10.148. Cash Revolving Funds—Mayor; \$1,000.
 Sec. 10.149. Cash Revolving Funds—Municipal Court; \$500.
 Sec. 10.150. Cash Revolving Funds—Municipal Railway; \$218,516.
 Sec. 10.151. Cash Revolving Funds—Parking Authority; \$500.
 Sec. 10.152. Cash Revolving Funds—Public Administrator; \$5,000.
 Sec. 10.153. Cash Revolving Funds—Public Defender; \$600.
 Sec. 10.154. Cash Revolving Funds—Public Health, Central Office; \$20,000.
 Sec. 10.154-1. Cash Revolving Funds—Public Health, Community Mental Health Services Vocational Rehabilitation Revolving Fund; \$2,000.
 Sec. 10.155. Cash Revolving Funds—Public Library; \$20,000.
 Sec. 10.156. Cash Revolving Funds—Public Utilities Commission; \$6,400.
 Sec. 10.157. Cash Revolving Funds—Department of Social Services; \$6,000.

San Francisco Administrative Code

- Sec. 10.158. Cash Revolving Funds—Public Works; \$55,000.
- Sec. 10.158-2. Cash Revolving Funds—Wastewater Program; \$5,000.
- Sec. 10.159. Cash Revolving Funds—Recorder; \$500.
- Sec. 10.160. Cash Revolving Funds—Recreation and Park Department; \$17,250.
- Sec. 10.161. Cash Revolving Funds—Recreation Camp; \$3000.
- Sec. 10.162. Cash Revolving Funds—Registrar of Voters; \$750, (with Ceiling of \$300 for each Purchase).
- Sec. 10.163. Cash Revolving Funds—San Francisco General Hospital; \$25,000.
- Sec. 10.164. Cash Revolving Funds—Sheriff; \$3,300.
- Sec. 10.165. Cash Revolving Funds—Tax Collector; \$4500.
- Sec. 10.166. Cash Revolving Funds—Water Department; \$98,000.
- Sec. 10.167. Cash Revolving Funds—Weights and Measures; \$50.
- Sec. 10.168. Cash Revolving Funds—Adult Probation, Department of; \$200.
- Sec. 10.169. Cash Revolving Funds—San Francisco Port Commission; \$560,000.
- Sec. 10.169-1. Cash Revolving Funds—San Francisco City and County Employees' Retirement System; \$500.
- Sec. 10.169-3. Cash Revolving Funds—Board of Supervisors; \$500.
- Sec. 10.169-4. Cash Revolving Funds—Police Department; \$12,000.
- Sec. 10.169-5. S.F. War Memorial—\$2,000.
- Sec. 10.170. Limitations upon Application for or Receipt of Grant.
- Sec. 10.170-1. Accounting for Grants; Duties of Controller, Officers, Boards or Commissions.
- Sec. 10.170-2. Acceptance of Provisions of Section 13522 of Penal Code.
- Sec. 10.170-3. Limitations upon Expenditure of Grant Funds.
- Sec. 10.170-4. Probation and Corrections Officers Training Funds.
- Sec. 10.171. Code Enforcement.
- Sec. 10.172. Authorizing Acceptance of State Aid for Alcoholism Programs.
- Sec. 10.172-1. Application and Acceptance of Federal Funds, Special Services for Young Mentally-Retarded Adults.
- Sec. 10.173. Findings.
- Sec. 10.174. Discharging Firearm at Peace Officers or Firemen; Reward.
- Sec. 10.176. Rewards; Ineligible Persons.
- Sec. 10.177. Payment.
- Sec. 10.177-1. Willful Misconduct Resulting in Injury or Death of Persons or Damage, Destruction or Theft of Property; Reward; Payment.
- Sec. 10.178. Establishment of a Special Recreation and Park Revenue Fund.
- Sec. 10.179. Establishment of a Special Golf Fund.

ARTICLE XVI COLLECTION ACTIVITIES

- Sec. 10.180. Service Charge—Adult Probation Officer.
- Sec. 10.181. Warrant to be Presented Within One Year.
- Sec. 10.182. Lost Warrants.
- Sec. 10.184. Fingerprint Processing Fund Established; Uses.

- Sec. 10.185. Creation of Special Fund; Providing for the Expenditures Therefrom.
- Sec. 10.187. Establishment of a Special Animal Purchase and Exchange Fund.
- Sec. 10.191. Establishment of a Transit Information Fund.
- Sec. 10.192. Establishment of an Examination Research and Development Fund.
- Sec. 10.193. Annual Arts Festival Handling Fees; Collection; Establishment of Fund.

ARTICLE XVIII GENERAL FUND COST RECOVERY PROCEDURES

- Sec. 10.194. Purposes.
- Sec. 10.195. Controller's Duties.
- Sec. 10.196. Annual Survey.
- Sec. 10.197. Computation of General Service Charge.
- Sec. 10.198. Departmental Budget Estimates.
- Sec. 10.199. Controller's Review.
- Sec. 10.199-1. Mayor's Office of Employment and Training (MOET); Exceptions: Fiscal Years 1981-82 And 1982-83.
- Sec. 10.200. Establishment of a Healthy Lifestyle Programs Fund.
- Sec. 10.201. Establishment of Convention Facilities Fund.

ARTICLE XIX DIVESTMENT

- Sec. 10.210. Findings.
- Sec. 10.211. Definitions.
- Sec. 10.212. Deposit and Investment of City Funds.
- Sec. 10.213. Contractual Services.
- Sec. 10.214. Purchase of Commodities.
- Sec. 10.215. Rules and Regulations.
- Sec. 10.216. Public Records.
- Sec. 10.217. Penalty.
- Sec. 10.218. Reserved.
- Sec. 10.219. Implementation Reports.
- Sec. 10.220. Severability.

ARTICLE I IN GENERAL

SEC. 10.1. ANNUAL ECONOMIC STATEMENT — CITY-FUNDED ORGANIZATIONS. Every nonprofit corporation, organization or other legal entity, receiving funding from or through the City and County to provide direct services to the public (except local, state or federal governmental entities), shall file

with the Clerk of the Board of Supervisors an annual economic statement, on a form to be provided by the Clerk of the Board, on or before April 1st of each year setting forth the following information:

(a) Name of the chief executive officer, employee, or other person possessing daily managerial responsibilities;

(b) Name of all officers or directors and the names of all other boards of directors on which they serve; and

(c) Total expenditures during calendar or fiscal year, whichever is applicable; and budget for current calendar or fiscal year, whichever is applicable, setting forth the source of all monies received or budgeted and a program-by-program description of all monies expended or budgeted.

All entities applying for or receiving monies from the City and County who do not have on file a current annual economic statement shall file a statement in the same manner and form as the statement described above before any public monies shall be approved. (Added by Ord. 16-81, App. 1/9/81)

SEC. 10.2. AUTHORIZATION FOR THE ASSESSOR, CONTROLLER AND TAX COLLECTOR TO PERFORM CERTAIN ACTS. In accordance with Section 4804 of the Revenue and Taxation Code of the State of California, the Board of Supervisors of the City and County of San Francisco, hereby authorizes the Assessor, the Controller and the Tax Collector of the City and County of San Francisco to perform on its behalf any act required or authorized to be performed by the Board of Supervisors of the County of San Francisco for the City and County of San Francisco under the following sections of the Revenue and Taxation Code regardless of amount of taxes involved:

(a) Sections 166, 270, 271;

(b) Sections 4831 through 4842, both inclusive;

(c) Sections 4985 through 4986.1, both inclusive;

(d) Sections 5026 through 5029, both inclusive;

(e) Sections 5061 through 5064, both inclusive;

(f) Sections 5071 through 5073, both inclusive;

(g) Sections 5096 through 5097, both inclusive;

(h) Sections 480 through 485, both inclusive;

Provided, however, that the Controller of the City and County of San Francisco is hereby required to record each act performed under this authorization; and provided further, that the Assessor shall make periodic reports, not less frequently than quarterly, to the Board of Supervisors of any and all acts performed under this authorization.

Any act performed by the Assessor under this authorization shall comply with the following administrative rules and procedures:

1. If such act will increase the amount of taxes due, the Assessor shall give the Assessee opportunity for a hearing after at least five days notice at which the Assessee may present objections to the change. The decision of the Assessor in the matter is final.

2. Any such act performed by the Assessor under this authorization shall be performed pursuant to a statement of findings reciting the facts found by the Assessor and further reciting the section or sections of the Revenue and Taxation Code pursuant to which such act was performed.

In accordance with the request heretofore made by the City Attorney of the City and County of San Francisco under Section 4804 of the Revenue and Taxation Code of the State of California, there is hereby granted a waiver of the requirement for written consent of the County Legal Advisor in any act performed under the provisions hereof.

The Controller may perform such acts in reliance upon action of the Assessor as provided herein as though such action was performed by the Board of Supervisors. (Added by Ord. 352-84, App. 8/8/84)

SEC. 10.2-1. CLAIMS FOR PROPERTY TAX AND EXEMPTION IN ACCORDANCE WITH SECTION 273 OF REVENUE AND TAXATION CODE. (a) Any person making a claim for 80 percent of the homeowners' property tax exemption pursuant to the provisions of Section 273 of the Revenue and Taxation Code of the State of California, shall, in addition to the affidavit required for said homeowners' property tax exemption, file with the Assessor within the time prescribed by law on forms prescribed by the Assessor a declaration under penalty of perjury stating the reasons why such person's failure to timely file said affidavit was due to reasonable cause and not due to willful neglect.

(b) The declaration herein required shall be retained by the Assessor for investigation and report to the Board of Supervisors for its action pursuant to Section 273 of the Revenue and Taxation Code. The Assessor thereafter shall notify the claimant in writing of the action of the Board of Supervisors. (Amended by Ord. 141-72, App. 5/26/72)

SEC. 10.2-2. TAX ASSESSMENT PAYMENTS IN EVEN CENTS ONLY. Pursuant to Section 2152.5 of the Revenue and Taxation Code the Controller is hereby authorized and directed as County Auditor, upon the preparation of the assessment roll by electronic data processing methods, to compute and enter on the secured roll the respective amounts due in installments as taxes in such manner as to reject any cent not evenly divisible by two in the computation of taxes on any assessment, and in the extension of taxes, special assessments or charges on the county assessment roll for any other public agency. (Added by Ord. 352-84, App. 8/8/84)

SEC. 10.2-3. ASSESSOR AUTHORIZED TO ACCEPT APPLICATIONS FOR REDUCTIONS IN ASSESSMENTS. Pursuant to the provisions of the Revenue and Taxation Code of the State, the Assessor of the City and County and such members of his official staff as may be designated by him are hereby authorized and directed to accept, for and on behalf of the Board of Supervisors sitting as a County Board of Equalization, verified written applications for reduction of assessments appearing in the assessment roll. (Added by Ord. 352-84, 8/8/84)

SEC. 10.2-4. PAYMENT OF TAXES IN INSTALLMENTS. (a) Pursuant to Sections 534.5 and 4837.5 of the Revenue and Taxation Code, taxes levied on an escape assessment, made under the authority of Article 4, Chapter 3 of Part 2

of Division 1 of the Revenue and Taxation Code or taxes increased by reason of the discovery of an error, pursuant to Article 1 of Chapter 2 of Part 9 of Division 1 of the Revenue and Taxation Code may be paid in installments if:

1. A verified, written request for installment payment is filed by the Assessee with the Tax Collector prior to date of delinquency of payment of such taxes.

2. Such request shall establish that an error of the Assessee was not the cause of the tax or tax increase and that the payment of the full tax in the year of billing would constitute a hardship on the Assessee.

3. Such request shall contain the covenant and agreement of the Assessee that, if the request is granted, interest will be paid as hereinafter provided.

The deferred portion of taxes paid in installments shall bear interest at the rate of $\frac{1}{2}$ of one percent a month or fractional part thereof payable in installments concurrently with installments of taxes.

(b) A copy of the installment request shall be transmitted by the Tax Collector to the Assessor. The Assessor shall within 10 days after such transmittal file a verified statement with the Tax Collector stating whether in the Assessor's opinion the tax or tax increase was caused by an error of the Assessee. When a tax increase, pursuant to Section 4832 of the Revenue and Taxation Code is involved, the reference in this Section to the Assessor shall be deemed to be a reference to the Controller.

(c) Based upon the request of the Assessee and the statement from the Assessor or Controller, the Tax Collector shall determine whether the request shall be allowed or denied. The Tax Collector shall notify the Assessee of the decision by written notice to the Assessee's last known address. If the request is granted, the notice shall set forth the installment payment schedule and the consequences for failure to meet the requirements of the payment plan as set forth in this Section.

(d) If payment is authorized to be made in installments, one-quarter of said tax shall be paid within 30 days after the date that notice is mailed by the Tax Collector to the Assessee notifying the Assessee that installment payments will be allowed. One-quarter of said tax shall be paid on the first, second, and third yearly anniversary of the date that notice authorizing installment payments is mailed by the Tax Collector to the Assessee.

(e) If taxes are authorized to be paid in installments, no penalties shall be charged so long as installment payments are made when due. If any installment is not paid when due, or if the property on the secured roll becomes tax deeded, or if the taxes due on the unsecured roll are not paid on or before August 31st, the entire tax shall immediately become due and payable and no further installment payments shall be authorized under the provisions of this Section. Interest, penalties, costs and redemption penalties and fees, if applicable, shall be charged on the total tax as if no payment had been received. There shall be credited on the amount payable the total amount of any installments paid under this plan.

(f) If payment is not authorized in installments, the original amount of taxes due shall be payable within 30 days of the mailing of the notice to the taxpayer if the original delinquency date has passed.

(g) The Tax Collector shall maintain a separate record listing the current status of all such installment accounts authorized under this Section.

(h) It is not the intent of this Section to in any way stay the enforcement of any of the other provisions of the Revenue and Taxation Code. (Added by Ord. 352-84, App. 8/8/84)

SEC. 10.2-5. REASSESSMENT OF PROPERTY DUE TO MISFORTUNE OR CALAMITY. (a) Any person who, at 12:01 a.m. on the March 1st immediately preceding the fiscal year commencing July 1, 1977, or who, at 12:01 a.m. on the March 1st immediately preceding any subsequent fiscal year, was the owner of, or had in his or her possession, or under his or her control, any taxable property, or who acquired such property after such date and is liable for taxes thereon for the fiscal year commencing the immediately following July 1st, which property was thereafter damaged or destroyed, without his or her fault, by a misfortune or calamity, may, not later than the last day of the fiscal year in which said property was so damaged or destroyed, apply for reassessment of such property by delivering to the Assessor a written application showing the condition and value, if any, of the property immediately after the damage or destruction, which damage must be shown therein to be in excess of \$5,000. The application shall be executed under penalty of perjury, or if executed outside the State of California, verified by affidavit.

(b) Upon receiving a proper application, the Assessor shall reassess the property according to its full cash value immediately after the damage or destruction. The Assessor shall notify the applicant in writing of the amount of the proposed reassessment. The notice shall state that the applicant may appeal the proposed reassessment to the Assessment Appeals Board within 14 days of the date of mailing the notice. If an appeal is requested within the 14-day period, the board shall hear and decide the matter as if the proposed reassessment had been entered on the roll as an assessment made outside the regular assessment period. The decision of the board regarding the damaged value of the property shall be final; provided, that a decision of the Assessment Appeals Board regarding any reassessment made pursuant to this Section shall create no presumption as regards the value of the affected property subsequent to the date of the damage.

(c) If the damaged full cash value of the property as determined above is not at least \$5,000 less than the full cash value shown on the assessment roll for the year in question, no adjustment shall be made to said roll and no taxes shall be canceled or refunded. Those reassessed values resulting from reductions in full cash value of at least \$5,000, as determined above, shall be forwarded to the Controller by the Assessor or the Clerk of the Assessment Appeals Board, as the case may be. The Controller shall enter the reassessed values on the roll. After being entered on the roll, said reassessed values shall not be subject to review except by a court of competent jurisdiction.

(d) If no such application is made and the Assessor determines that the full cash value of such property for the assessment year is reduced from the full cash value of such property for the immediately preceding assessment year by more than \$5,000 due to the damage or destruction caused by the misfortune or calamity, the Assessor shall notify the property owner that the property will be reassessed. The Assessor shall assess the property, or reassess it if it has already been assessed, according to the condition and value immediately after the damage or destruction, and the Assessor, if he reassesses the property, shall transmit to the Assessment

Appeals Board a description of the property so reassessed, the name of the person making application in connection with the property, if any, or the name of the property owner notified of the reassessment and the value of the property as so reassessed. Upon such notice as it may find to be proper, the Assessment Appeals Board shall equalize any such assessment or reassessment.

(e) As used in this Section, "damage" includes property which has diminished in value as a result of restricted access to the property where such diminution in value was caused by the misfortune or calamity.

(f) The tax rate fixed for property on the roll on which the property so reassessed appeared at the time of its original assessment shall be applied to the amount of the reassessment determined in accordance with this Section. In the event that the resulting figure is less than the tax theretofore computed, the tax shall be determined as follows:

1. With respect to property on the secured roll a prorated portion of the tax due on the property as originally assessed at the rate established for property on the secured roll for the current fiscal year, such proration to be determined on the basis of the number of months in the year during which the property was in an undamaged condition plus a proration of the tax due on the property as reassessed in its damaged or destroyed condition at the rate established for property on the secured roll for such fiscal year, such proration to be determined on the basis of the number of months in the year in which the property was in a damaged condition, including the month in which the damage was incurred.

2. With respect to property on the unsecured roll, he or she shall be liable for a prorated portion of the tax computed on the original assessment of the property and a prorated portion of the tax computed on the reassessment of the property as determined in the preceding paragraph.

(g) Any tax paid in excess of the total tax due shall be refunded to the taxpayer pursuant to Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State of California, as an erroneously collected tax. (Added by Ord. 352-84, App. 8/8/84)

SEC. 10.2-6. ANNUAL ASSESSMENT ROLL TO BE OPEN TO INSPECTION. Annually, upon completion and constructive delivery of the annual assessment roll to the Clerk of the Board of Supervisors, the roll shall remain in the Assessor's office for the inspection of all persons interested. (Added by Ord. 352-84, App. 8/8/84)

SEC. 10.3. COLLECTION OF UNSECURED PROPERTY TAXES. The duty of collecting unsecured property taxes shall be transferred from the Assessor to the Tax Collector as of the effective date of this amendment and annually hereafter shall be transferred from the Assessor to the Tax Collector on the first Monday of March of each year. The Tax Collector shall continue to collect such taxes from and after the first Monday of March of each year hereafter until and unless ordered to discontinue the collection thereafter by a $\frac{4}{5}$ vote of the Board of Supervisors. (Amended by Ord. 217-66, App. 8/26/66)

SEC. 10.3-1. COLLECTION OF SECURED PERSONAL PROPERTY TAXES. The provisions of Chapter 2.1, Sections 2700 to 2707, of the Revenue and

Taxation Code of the State are hereby made applicable to the City and County. The Assessor, the Tax Collector and the Controller are hereby directed to proceed in the collection of secured personal property taxes in accordance with the provisions of such chapter. (Resolution No. 6714 (1939))

SEC. 10.3-2. REPORTS OF EXPENDITURES, ETC., FOR STREET AND ROAD PURPOSES. The Controller shall be the officer to prepare the report of the expenditures and receipts for street or road purposes and shall transmit the same to the State Controller. The Controller shall file a copy of the report with the Clerk of the Board of Supervisors, the County Road Commissioner and the Director of Public Works. (Resolution No. 7670 (1939))

SEC. 10.3-3. AGREEMENT WITH BAY AREA RAPID TRANSIT DISTRICT AS TO PAYMENTS TO CITY BY DISTRICT UNDER STATE LAW. The President and Clerk of the Board of Supervisors are hereby authorized and directed to execute, for and on behalf of the City and County, with the San Francisco Bay Area Rapid Transit District, an agreement as set forth in this Section.

The Board of Supervisors of the City and County and the Board of Directors of the San Francisco Bay Area Rapid Transit District agree that the compensation to be charged by and paid to the City and County by such district for the performance of services under Chapter 7 of Part 2 of Division 10 of the Public Utilities Code of the state shall be $\frac{1}{2}$ of one percent of all money collected for such district in the City and County pursuant to such chapter. Such compensation shall be deducted from the money before the money is paid to the district. The City and County shall have the right to revoke this agreement by delivery of written notice to the secretary of the district. The district shall have the right to revoke this agreement by delivery of written notice to the Clerk of the Board of Supervisors of the City and County. No notice of revocation shall take effect as to taxes levied by the district in the year the notice is delivered unless delivered prior to May 1st of that year. This agreement shall become effective as soon as executed by both parties. It shall expire June 1, 1963. (Ordinance No. 490-58, Secs. 1, 2)

SEC. 10.4. AUDIT ADVISORY COMMITTEE. An Audit Advisory Committee is hereby created to make recommendations to the Board of Supervisors and Controller concerning financial reporting and audit process for the City and County of San Francisco. Among its functions would be the following:

- (a) Screen and select for recommendation independent auditors on the basis of specific criteria, including qualification, experience, approach and local needs;
- (b) Make recommendations as to the scope of the audit;
- (c) Review the audit plan, the identified areas of audit concern and problems;
- (d) Review the audit progress; and
- (e) Review the results, including the financial statements and the accountants' reports. (Added by Ord. 101-81, App. 3/3/81)

SEC. 10.4-1. AUDIT ADVISORY COMMITTEE — MEMBERSHIP. The Audit Advisory Committee shall be composed of five members as follows: The Mayor or his or her designee; the President of the Board of Supervisors or his or her designee; the Controller or his or her designee; and, in addition, two public

members with extensive experience in financial matters, who shall have business, accounting, auditing or financial degrees and who shall be nominated by the Mayor, subject to approval by the Board of Supervisors and Controller. The two public members shall serve at the pleasure of the Board of Supervisors.

SEC. 10.4-2. AUDIT ADVISORY COMMITTEE — RECOMMENDATIONS AND REPORTS. The Audit Advisory Committee shall make its written recommendations as to the selection of an independent auditor not later than May 15th of each year. In addition, it shall submit written recommendations and reports to the Board of Supervisors and Controller as needed. (Added by Ord. 101-81, App. 3/3/81)

SEC. 10.4-3. AUDIT ADVISORY COMMITTEE — DUTIES AND RESPONSIBILITIES OF THE CONTROLLER. Nothing in any of the Administrative Code sections pertaining to the Audit Advisory Committee shall prohibit the Controller from carrying out his or her duties or responsibilities as set forth in the Charter and Codes of the City and County of San Francisco, and Codes of the State of California. (Added by Ord. 101-81, App. 3/3/81)

SEC. 10.5. DEPOSIT OF INACTIVE ACCOUNTS. The Treasurer is hereby authorized and empowered to deposit in inactive accounts, in accordance with the provisions of an act of the Legislature of the State of California entitled "An act to authorize and control the deposit in banks of money belonging to or in the custody of any county, city and county, city, town or municipality or other political subdivision within this state," approved May 24, 1927, and the acts amendatory thereof, moneys belonging to the City and County in an amount not to exceed \$5,000,000. (Resolution No. 2141 (C.S.))

SEC. 10.6. AUDITS AND INVESTIGATIONS BY CONTROLLER — TO BE PERFORMED AS REQUIRED BY CHARTER. The Controller shall audit the accounts of all boards, offices, and employees of the City and County, charged in any manner with the custody, collection or disbursement of funds, as provided by Section 3.303 of the Charter. He or she shall investigate the unit cost of all work done by the City and County as provided in Section 3.301 of the Charter and shall also make all investigations and reports provided for in Chapter 6 of this Code. (Bill No. 424, Ord. No. 9,0621 (C.S) Sec. 1)

SEC. 10.6-1. CONTROLLER'S AUDIT OF VETERANS' EXEMPTION CLAIMS. Pursuant to the provisions of Article 3, Chapter 1, Part 2, Division 1 of the Revenue and Taxation Code of the State of California relative to audit of veterans' exemption claims, the Board of Supervisors of the City and County of San Francisco does hereby declare said article effective within said City and County, to become operative on March 1, 1972.

The City Controller is hereby authorized and directed to conduct an audit of the exemptions claimed under Section 1-1/4, Article XIII of the California Constitution. The Controller is further authorized to conduct said audit to cover such

exemptions claimed for the current tax year as well as any prior tax years in respect to which escaped assessments would be timely pursuant to Section 532 of the Revenue and Taxation Code of the State of California.

The Controller is further directed to file an annual report with the Board of Supervisors as to the results of said audit at the time he or she submits his or her annual report pursuant to Section 3.302 of the Charter. (Added by Ord. 175-71, App. 7/8/71)

SEC. 10.6-2. CONTROLLER'S AUDIT OF LEASES UNDER WHICH CITY IS LESSOR. Pursuant to Sections 3.301 and 3.303 of the Charter, the Controller is authorized and directed to conduct audits, at regular intervals, of all leases of city-owned real property, except such leases as are made on a month-to-month basis for a rent of \$500 or less per month. The cost of each such audit shall be borne by the department, board or commission that has management and control of, or jurisdiction over, the leased real property. Within 30 days after the completion of each such audit, the Controller shall file reports of the audit with the Mayor and the Board of Supervisors and shall deliver a copy of the report to the department, board or commission that has management and control of, or jurisdiction over, the leased real property. The department, board or commission shall take corrective action to comply with the audit recommendations and shall report to the Controller on the action taken within 45 days of the receipt of the audit report and at the end of each quarter thereafter until the matters disclosed by the audit have been resolved. (Added by Ord. 323-86, App. 8/8/86)

SEC. 10.7. CONTROLLER'S AUDIT OF VETERANS' EXEMPTION CLAIMS — AUTHORITY OF CONTROLLER TO ENTER INTO CONTRACTS FOR PURPOSES OF AUDIT. For the purpose of making the audits, investigations and reports provided by the Charter and in Chapter 6 of this code, the Controller may, when necessary to make such audits, investigations and reports, enter into contracts and contractual relations for the furnishing to him or her of the necessary certificates of audit or reports to enable him or her to fully perform the duties as imposed by the Charter and Chapter 6 of this Code. (Bill No. 424, by Ord. No. 9.0621 (C.S.), Sec. 2)

SEC. 10.7-1. COMMENT UPON AUDIT OF BOOKS BY CONTROLLER; REPORT TO CONTROLLER. Any officer, board or commission, or department thereof, of the City and County or any nonprofit corporation which has been formed for the purpose of aiding and assisting the City and County (the formation of which has been approved by resolution of the Board of Supervisors, and whose fiscal procedures have been commented upon by the independent accounting firm which annually audits the books of the Controller), shall receive a report of said audit; and shall, within 60 days of receipt thereof, furnish to the Controller a summary of action taken to comply with the recommendations, if any, of the accounting firm. Within 45 days of receipt of said summary, the Controller shall report to the Board of Supervisors as to action necessary to implement the recommendations, if any, of the accounting firm. (Amended by Ord. 6976, App. 3/12/76)

SEC. 10.8. COMMENT UPON AUDIT OF BOOKS OF CONTROLLER; CONTRACTS TO BE ENTERED INTO ONLY WHEN FUNDS ARE

APPROPRIATED. The contracts authorized by the preceding section or contractual relations shall be entered into only when the necessary funds have been appropriated, either to the Controller or to the department for which such audit, report or investigation is to be made. (Bill No. 424, Ord. No. 9.0621 (C.S.), Sec. 3)

SEC. 10.8-1. DESIGNATION OF CONTROLLER-AUDITOR AND TREASURER OF HUNTERS POINT RECLAMATION DISTRICT. The Controller and Treasurer are authorized and directed to act as the Controller-Auditor and Treasurer, respectively, of the Hunters Point Reclamation District and to execute any agreements if necessary to accomplish this purpose. (Resolution No. 518-58)

SEC. 10.9. DEPOSIT OF REPAID MONEYS WHICH WERE INCORRECTLY PAID. Any money, check, draft or other order therefor which may be paid or delivered to any officer, employee, office or department of the City and County, which may appear to have been so paid or delivered as reimbursement because of prior wrongful or mistaken receipt of funds or property from the City and County, shall thereupon be deposited to the credit of the fund from which it was disbursed; or if such fund is not known or does not exist, it shall be deposited in the General Fund. (Ord. No. 4436 (1939), Sec. 1)

SEC. 10.10. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION — DEFINITIONS. Negotiable paper shall mean, for the purposes of the six following sections, a draft, bank or personal check; and express or post office money order; provided, that the City and County is the payee named on the face of the instrument, and such instrument is payable in full on demand.

“Obligation” shall mean, for the purposes of the six following sections, any tax, assessment, license, fee or other account in which money is owed or is payable to the City and County. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.11. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION — RECEIPT AUTHORIZED; EXCEPTION. All officers, boards and commissions of the City and County may receive negotiable paper for collection, when the proceeds are to be used in payment of an obligation to the City and County; provided, that the proceeds thereof shall be not less than the amount of the determined obligation. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.12. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION — SUBMISSION TO TREASURER FOR COLLECTION. All negotiable paper received under the provisions of the preceding section shall be submitted for collection to the Treasurer of the City and County not later than the next business day after it is received. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.13. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION — RETURN WHEN AMOUNT IS INSUFFICIENT. In the event that the negotiable paper tendered under the provisions of the two preceding sections is insufficient in amount, or deficient in any other respect, it shall be returned to its sender not later than the next business day after its receipt. Each department and

office shall maintain a register in which shall be chronologically recorded each item so returned. There shall also be recorded in the register the date, amount, identity of the negotiable paper, name and address of the sender, and the date and reason for its return. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.13-1. CHARGE FOR PERSONAL CHECKS RETURNED WITHOUT PAYMENT. If any personal check offered in payment for any license, permit, fee or fine, or in payment of any obligation owing to the City and County or subdivision, department, board, commission, body or agency thereof, is returned without payment, for any reason, a reasonable charge for the returned check not to exceed \$10 may be imposed on the person who issued the check by the Treasurer of the City and County. This charge may be added to and become part of any underlying obligation other than an obligation which constitutes a lien on real property; and a different method of payment of that payment and future payments by the person who issued the check may be prescribed by the Treasurer. Any charge imposed for a returned check by either the Treasurer or a court shall be deposited in the General Fund of the City and County. (Added by Ord. 179-79, App. 4/20/79)

SEC. 10.14. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION — WHEN PAYMENT IS DEEMED MADE. When negotiable paper is honored and paid upon presentation and the proceeds thereof deposited in the Treasury of the City and County in the usual course of business, then and not before, the obligation for which it was tendered shall be deemed paid as at the date of receipt of the negotiable paper. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.15. RECEIPT OF NEGOTIABLE PAPER FOR COLLECTION — PAYMENTS IN EXCESS OF OBLIGATION. In the event the proceeds collected from negotiable paper are in excess of the amount of the obligation to be paid, refund of the amount of the excess may be made in accordance with the procedure prescribed in the permit procedure ordinance of the City and County. (Ord. No. 2334 (1939), Sec. 1)

SEC. 10.16. INAPPLICABILITY OF SECTIONS 10.10 — 10.15. Except for Section 10.13-1, the provisions of Sections 10.10 through 10.15 shall not apply to the collection and refunding procedure of the offices of the Tax Collector and Assessor, to collections of the Municipal and Superior Courts, nor to the collection of revenues of the Public Utilities Commission, which revenues are the result of utility rates fixed pursuant to the provisions of Section 3.598 of the Charter. (Amended by Ord. 179-79, App. 4/20/79)

SEC. 10.17. ACCOUNTING FOR AND REPORTING INCOME TAXES — CONTROLLER'S DUTIES. To comply with income tax or other related tax provisions of the government of the United States or the State, the Controller is hereby directed, and it shall be his or her duty, to render the required accounting and reporting in the manner and within the time limitations established by law. (Ord. No. 1883 (1939), Sec. 1)

SEC. 10.18. ACCOUNTING FOR AND REPORTING INCOME TAXES — DUTIES OF CITY OFFICES, BOARDS AND COMMISSIONS. All offices, boards and commissions of the City and County shall keep such records and render to the Controller such reports as the Controller may require to comply with the provisions of the preceding section. The failure of any officer to keep such records and to furnish the reports to the Controller upon the demand of the latter shall be deemed dereliction of duty and the failure shall be reported by the Controller to the Mayor. (Ord. No. 1883 (1939), Sec. 3)

SEC. 10.19. EXPENDITURES FOR PROPAGATION AND CONSERVATION OF FISH AND GAME. For the purpose of carrying out the provisions of Sections 13000 et seq. of the Fish and Game Code of the State, insofar as the provisions of such section apply to the expenditure of moneys by the City and County for propagation and conservation of fish and game, there is hereby created a Fish and Game Propagation Fund into which shall be paid, all and singular, the moneys to which the City and County is entitled under and pursuant to the provisions of Sections 13000 et seq. of the Fish and Game Code of the State.

For the purpose of carrying out the provisions of Sections 13000 et seq. of the Fish and Game Code of the State and aiding in the propagation and conservation of fish and game, the San Francisco Tyee Foundation is hereby appointed as the agent to supervise, for and on behalf of the Board of Supervisors, the propagation and conservation of fish and game within the City and County and from time to time to enter into agreement with the Chief Administrative Officer, and by virtue thereof, to expend such moneys as may be appropriated or allocated to the San Francisco Tyee Foundation from the moneys provided for in Sections 13000 et seq. of the Fish and Game Code for the propagation and conservation of fish and game in the City and County.

The San Francisco Tyee Foundation shall present proper vouchers approved by the Chief Administrative Officer to the Controller showing disbursements of all funds appropriated or allocated to the council for the purpose of carrying out the provisions of this Section. (Amended by Ord. 614-83, App. 12/22/83)

ARTICLE II

SETTLEMENT OF CLAIMS FOR AND AGAINST CITY AND COUNTY

SEC. 10.20-1. NECESSITY FOR FILING CLAIM. No suit for money or damages may be brought against the City and County until a written claim therefor has been presented to and rejected by the City and County in conformity with the provisions of general state law relating to claims against public entities. (Amended by Ord. 303-63, App. 12/9/63)

SEC. 10.20-2. PRESENTATION AND FORM OF CLAIM. A claim as required to be filed pursuant to Section 10.20-1 shall be presented by the claimant or by a person acting in his or her behalf as indicated by Section 915 of Government Code and shall show:

- (a) The name and post office address of the claimant;

(b) The post office address to which the claimant desires notices to be sent;
(c) The date, place and other circumstances of the occurrence or transaction which gave rise to the claim asserted;

(d) A general description of the indebtedness, obligation, injury, damage or loss incurred so far as it may be known at the time of presentation;

(e) The name or names of the public employee or employees causing the injury, damage, or loss, if known; and

(f) The amount claimed as of the date of presentation of the claim, including the estimated amount of any prospective injury, damage, or loss, insofar as it may be known at the time of the presentation of the claim, together with the basis of computation of the amount claimed.

The claim shall be signed by the claimant or by some person on his or her behalf, except that claims against the City and County for supplies, equipment or services need not be signed by the claimant or on his or her behalf if presented on a billhead or invoice regularly used in conduct of the business of the claimant.

A claim may be amended as set forth in Section 910.6(a) of Government Code of the State of California. (Amended by Ord. 303-63, App. 12/9/63)

SEC. 10.20-3. TIME OF PRESENTATION OF CLAIMS. A claim relating to a cause of action for death or injury to person or to personal property or growing crops shall be presented not later than the one hundredth day after the accrual of the cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action.

For the purpose of computing the time limit prescribed by this section, the date of the accrual of a cause of action to which a claim relates is the date upon which the cause of action would be deemed to have accrued; said accrual to be within the meaning of the statute of limitations which would be applicable thereto if there were no requirement that a claim be presented to the City and County before an action could be commenced thereon. (Amended by Ord. 303-63, App. 12/9/63)

SEC. 10.20-4. PLACE OF PRESENTATION OF CLAIM. A claim shall be presented to the City and County (1) by delivering it to the Clerk of the Board of Supervisors or Controller of the City and County, or (2) by mailing the claim to the Clerk of the Board of Supervisors or the Controller of the City and County or to the Board of Supervisors at its principal office not later than the last day of the period specified in Section 10.20-3.

If a claim is presented by mail, it shall be deposited in a United States post office, or a mailbox, sub-post office, sub-station, or mail chute, or other like facility regularly maintained by the government of the United States, in a sealed envelope, properly addressed, with postage paid. The claim shall be deemed to have been presented and received at the time of deposit. Proof of mailing may be made in the manner prescribed by Section 10.13a of the Code of Civil Procedure.

A claim shall be deemed to have been presented in compliance with this Section even though it is not delivered or mailed as provided in this Section if it is actually received by the Clerk of the Board of Supervisors or the Controller of the City and County within the time prescribed for presentation thereof. (Amended by Ord. 303-63, App. 12/9/63)

SEC. 10.20-5. DISPOSITION OF CLAIMS. (a) All claims, regardless of how presented, shall be forwarded to the Controller and entered in the claim register by him or her. After entering a claim in the claim register, the Controller shall forthwith forward it to the City Attorney, excepting therefrom those claims which are subject to Section 10.20-6 of this Article.

(b) The City Attorney shall review all claims forwarded to him or her to determine if they substantially comply with the requirements of Sections 910 and 910.2 of Government Code. Within 20 days after the claim is presented the City Attorney shall give written notice of its insufficiency, stating with particularity, the defects or omissions therein; provided further, that the City Attorney shall forthwith upon receipt of a claim request an investigation by the department which has jurisdiction over the matter or property giving rise to the claim. The department shall submit a report with respect to the circumstances of the claim and its recommendation thereon within 30 days to the City Attorney.

(c) Pursuant to Section 935.4 of Government Code, the City Attorney is hereby authorized to reject any and all claims forwarded to him or her by the Controller. He or she shall notify the claimant of such rejection, indicating whether the rejection is by operation of law or otherwise.

Further action by the City Attorney in connection with a claim shall be governed by the provisions of Sections 10.21 and 10.22 of the San Francisco Administrative Code. The City Attorney is authorized to extend, by agreement with the claimant, the time within which the City Attorney may consider a claim for purposes of payment or compromise under Sections 10.21 and 10.22. (Amended by Ord. 303-63, App. 12/9/63)

SEC. 10.20-6. DISPOSITION OF CLAIMS BY COMMISSIONS. Pursuant to Sections 935.2 and 935.4 of Government Code, State of California, and Sections 3.581, 3.585, 3.594, 3.598, 3.690, 3.691 and 3.694 of the Charter of the City and County of San Francisco, the Port Commission, Public Utilities Commission and Airports Commission are hereby authorized to perform all functions of the Board of Supervisors under Part III of Division 3.6 of Title I of Government Code, State of California, relative to claims arising out of or in connection with any matter or property under their respective jurisdictions; provided, however, that applications for leave to present late claims pursuant to Section 10.20-7 of the San Francisco Administrative Code and Section 911.6 of Government Code, State of California, may be acted upon by the respective commission, the chief executive officer thereof or a duly designated employee thereof.

In carrying out these functions, the respective commissions above designated may authorize, within prescribed limits, designated officers or employees to extend by agreement with the claimant the time within which the claim may be considered for allowance or compromise and settlement. (Amended by Ord. 513-78, App. 11/22/78)

SEC. 10.20-7. APPLICATION FOR LEAVE TO PRESENT LATE CLAIM. (a) An application for leave to present a late claim shall be made in the manner prescribed in Section 10.20-4 for the presentment of a claim within a reasonable time not to exceed one year after the accrual of the cause of action. The application shall state the reason for the delay in presenting the claim and the proposed claim shall be attached thereto;

(b) Subject to Section 10.20-6, the application shall be forwarded to the City Attorney, who is hereby authorized, pursuant to Government Code Section 935.4, to perform the functions of the Board of Supervisors prescribed by Government Code, State of California, Section 911.6, with respect to said application. The City Attorney shall give notice in writing to the applicant of the action taken upon such application;

(c) An application for leave to present a late claim which is subject to Section 10.20-6 shall be forwarded to the Port Commission, Public Utilities Commission or Airports Commission, as the case may be, for action pursuant to Sections 911.6 and 911.8 of Government Code, State of California. (Amended by Ord. 487-78, App. 11/3/78)

SEC. 10.20-8. REQUESTS FOR WAIVER OF STATUTE OF LIMITATIONS. (a) All requests by claimants for waiver of the statute of limitations by the Board of Supervisors pursuant to Section 2.300 of the Charter shall be in writing and shall be filed with the Controller.

(b) Every claimant requesting such waiver shall pay a fee to the Controller in an amount to be established as hereafter provided.

(c) The Board of Supervisors shall determine and fix by resolution the fee to be paid by claimants requesting such waiver. Fees so fixed shall remain effective until new fees are established as hereafter provided.

Annually, on or before the fifteenth day of May of each year, the Controller shall determine and report to the Board of Supervisors an estimate of the costs to be incurred by departments, boards and commissions of the City and County, including the cost of publication of any ordinance or resolution in the official newspaper, in processing said requests for the ensuing fiscal year. The Board of Supervisors may thereupon by resolution revise the amount of the fee heretofore fixed.

All fees collected and retained pursuant to the terms of this Section shall be applied in defraying the costs of processing said requests.

(d) Upon the denial of any such request, the claimant shall be entitled to a refund of any fee paid pursuant to this Section upon application to the Controller. (Added by Ord. 61-69, App. 2/17/69)

SEC. 10.21. ALLOWANCE AND SETTLEMENT OF UNLITIGATED CLAIMS GENERALLY. Any unlitigated claim may be allowed or settled and compromised on the written recommendation of the head of the department or of the board or commission in charge of the department against which the claim is made, with the written approval of the City Attorney, where the amount of such allowance or settlement and compromise is not in excess of \$5,000; otherwise, there shall be required additionally the consent of the Board of Supervisors. No claim shall be paid until the Controller shall certify that monies are available from the proper funds or appropriations to pay the claim as allowed or as compromised and settled. The City Attorney shall submit, on a quarterly basis, a confidential attorney-client report to the Board of Supervisors listing claims settled for an amount not in excess of \$5,000 during that quarter. Said report shall list each claim by amount demanded, amount paid, nature of incident giving rise to the claim, and the city department involved. (Amended by ord. 103-86, App. 3/28/86)

SEC. 10.22. ALLOWANCE OR SETTLEMENT OF CLAIMS EXCEEDING FIVE THOUSAND DOLLARS, WITH EXCEPTIONS. Any unlitigated claim against the City and County may be allowed or settled and compromised on the written recommendation of the head of the department or of the board or commission in charge of the department against which the claim is made, with the written approval of the City Attorney, for an amount in excess of \$5,000; only with the approval of the Board of Supervisors by resolution. No claim shall be paid until the Controller shall certify that monies are available from the proper funds or appropriations to pay the claim as allowed or as compromised and settled. (Amended by Ord. 103-86, App. 3/28/86)

SEC. 10.22-1. SETTLEMENT OF MINOR'S CLAIMS. The City Attorney may settle a minor's claim in an amount not to exceed \$1,500 by accepting a hold harmless agreement from the minor's parent or other responsible guardian in lieu of Superior Court approval and release pursuant to Probate Code Section 1431. The Controller is authorized to make payment upon receipt of such hold harmless agreement or a copy thereof. (Amended by Ord. 210-76, App. 6/25/76)

SEC. 10.22-2. SETTLEMENT OF LITIGATION NOT EXCEEDING FIVE THOUSAND DOLLARS. The City Attorney is authorized and directed to compromise and settle, by payment not exceeding \$5,000; any litigation against the City and County with respect to which the City Attorney and the head of the department which has jurisdiction over the matter or property giving rise to the litigation recommend such settlement in writing, subject to the written approval of the Chief Administrative Officer with respect to departments under his or her jurisdiction and subject to approval by resolution of the board or commission having jurisdiction over such department in other cases; provided, however, that no payment by way of compromise and settlement shall be made until the Controller shall certify that monies are available from the proper funds or appropriations to pay such compromise and settlement. The City Attorney shall submit, on a quarterly basis, a confidential attorney-client report to the Board of Supervisors listing litigation settled for an amount not in excess of \$5,000 during that quarter. Said report shall list each litigation by amount demanded, amount paid, nature of incident giving rise to the litigation and the city department involved. (Amended by Ord. 103-86, App. 3/28/86)

SEC. 10.23. CLAIMS IN FAVOR OF CITY AND COUNTY — NOTICE TO BE FILED. Whenever any claim in favor of the City and County shall arise against any person, it shall be the duty of the department head or of the board or commission concerned by the claim to forthwith file a written notice thereof with the City Attorney and the Controller, which notice shall set forth generally the amount and nature of the claim and the name and address of the person against whom the claim is made. (Ord. No. 8346 (1939), Sec. 3)

SEC. 10.24. CLAIMS IN FAVOR OF THE CITY AND COUNTY — SETTLEMENT. (a) **Claim Under \$5,000, Not Litigated.** Any claim in favor of the City and County of San Francisco which does not exceed in amount the sum of \$5,000; and is not the subject of litigation may be settled and compromised on the

written recommendations of the department head, or of the board or commission in charge of the department in favor of which such claim is made, and the City Attorney.

(b) **Claim Over \$5,000, Not Litigated.** If the claim exceeds in amount the sum of \$5,000; and is not the subject of litigation, the same may be settled and compromised only on the written recommendations of the department head, or the board or commission, and the City Attorney, and the approval of the Board of Supervisors by resolution.

(c) **Litigated Claim Under \$5,000.** Any litigated claim in favor of the City and County in which the total claim does not exceed in amount the sum of \$5,000; may be settled and compromised by the City Attorney upon written recommendation of the head of the department in favor of which such claim is made, subject to the written approval of the Chief Administrative Officer with respect to the departments under his or her jurisdiction and subject to the approval by resolution of the board or commission having jurisdiction over such department in other cases. (Amended by Ord. 103-86, App. 3/28/86)

SEC. 10.25. EXCEPTIONS TO FOUR PRECEDING SECTIONS. The provisions of Sections 10.21 to 10.24 of this code shall not apply to claims presented against, by or in favor of any municipally-owned utility under the jurisdiction of the Public Utilities Commission, or claims referred to the Bureau of Delinquent Revenue Collection, pursuant to the provisions of Sections 10.37 to 10.42 of this code. (Ord. No. 8346 (1939), Sec. 5)

SEC. 10.25-1. OFFICERS AND EMPLOYEES INCLUDED WITHIN THE PROVISIONS OF SECTIONS 10.25-1 THROUGH 10.25-7. The provisions of Section 10.25-1 through 10 25-7 shall apply only to uniformed officers and employees of:

- (a) The Police Department;
- (b) The Fire Department;
- (c) The Sheriffs Department; and
- (d) The Municipal Railway. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-2. UNIFORMED OFFICERS AND EMPLOYEES DEFINED. Uniformed officers and employees are those members of departments listed in Section 10.25-1 who are required by Charter, ordinance or rule of their department to possess a uniform in connection with their employment, whether or not such uniform was worn at the time of the claimed damage. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-3. REPLACEMENT OR REPAIR OF DAMAGED EQUIPMENT, PROPERTY OR PROSTHESES OF UNIFORMED OFFICERS AND EMPLOYEES. Uniformed officers and employees may recover part of all of the cost of replacing or repairing equipment, property or prostheses which has been damaged or destroyed in the line of duty and without fault of the officer or employee in the manner provided in Sections 10.25-4 through 10.25-7. (Amended by Ord. 72-81, App. 2/5/81)

SEC. 10.25-4. TIME IN WHICH VERIFIED CLAIM MUST BE FILED. A verified claim must be filed with the department head of the officer or employee within 30 days after the date upon which the damage is alleged to have occurred. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-5. REQUISITES FOR PAYMENT; AVAILABILITY OF FUNDS; CERTIFICATION OF DEPARTMENT HEAD. Payment under the provisions of this Section shall be made by the Controller when:

- (a) A verified claim has been filed;
- (b) The department head certifies to the Controller that the damage occurred in the line of duty and that the amount certified for payment is fair and reasonable; and
- (c) Funds are available for the purpose. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-6. LIMITATION ON RECOVERY. Subject to the approval of the Controller and the Board of Supervisors by resolution, the department head of each department specified under Section 10.25-1 may by regulation establish classifications of equipment, property or prostheses that are, in the opinion of such department head, reasonably necessary in the performance of the uniformed officer's or employee's duties and set the maximum amount not to exceed actual value which may be recovered for the replacement or repair of specific items within such classifications. Such department heads shall notify all uniformed officers and employees by periodic informational bulletins or similar means of all regulations authorized by this Section (Amended by Ord. 72-81, App. 2/5/81)

SEC. 10.25-7. CONTROLLER TO ESTABLISH RULES AND REGULATIONS. The Controller shall establish such rules and regulations and devise such forms as he or she deems necessary to carry out the purposes of this Section. Observance of such rules and regulations and the use of such forms shall be binding and obligatory on the claimant and the department head concerned. (Added by Ord. 90-62, App. 3/28/62)

SEC. 10.25-8. CLAIM BY AN OFFICER OR EMPLOYEE OTHER THAN THOSE SPECIFIED IN SECTION 10.25-1. A claim by an officer or employee other than those specified in Section 10.25-1 hereinabove shall be subject to all the provisions of Sections 10.25-1 through 10.25-7 of this Code; with the further proviso that if the Board of Supervisors finds that the damage or loss occurred in the line of duty and without fault of the officer or employee and was occasioned by unusual circumstances or the occurrence of an extraordinary event the Board may by resolution adopted by a $\frac{3}{4}$ vote of all its members order that the claim or any part thereof be paid, provided that the Controller has certified that moneys are available from the proper funds or appropriations with which to pay the said claim. (Added by Ord. 226-62, App. 8/23/62)

SEC. 10.25-9. CLAIM BY AN OFFICER OR EMPLOYEE OTHER THAN THOSE SPECIFIED IN SECTION 10.25-1 FOR STOLEN PROPERTY. A claim by an officer or employee other than those specified in Section 10.25-1 hereinabove for reimbursement for property stolen through no fault of the officer or

employee while in the course of his or her duties for the City shall be subject to all the provisions of Sections 10.25-4 through 10.25-7, with the further proviso that the appointing officer shall certify that said property was necessary to the performance of the duties of the position; provided further, that payment shall be made subject to resolution adopted by a $\frac{3}{4}$ vote of all the members of the Board of Supervisors, and provided further that the Controller has certified that moneys are available from the proper funds or appropriations with which to pay said claim. (Added by Ord. 409-83, App. 8/5/83)

SEC. 10.26. DEPOSIT OF MONEY RECEIVED. Any and all money received by any officer, board or commission in the settlement or adjustment of any claim in favor of the City and County shall be forthwith deposited in the treasury of the City and County by the officer, board or commission receiving the same. (Ord. No 8346 (1939), Sec. 4)

SEC. 10.27. OVERPAYMENT OF SALARY OR WAGES. Whenever any person whose salary or wage is paid out of the treasury of the City and County has been paid an amount in excess of that which such person was entitled to have received, such person shall, upon the demand of the Controller, pay back into the treasury such excess salary or wage.

In the event the repayment of such excess salary or wage in one payment would cause undue hardship on such person, the Controller may, with the concurrence of the City Attorney, permit the repayment to be made in equal monthly or biweekly installments.

In the event of termination of service of such person before full repayment has been made, such person shall not be paid any of his or her retirement accumulations or credits, until repayment has been made in full.

The City Attorney is hereby authorized and directed to take such action as may be necessary to effect full recovery of any unpaid amount. (Ord No. 8346 (1939), Sec. 6)

SEC. 10.27-1. CONTROLLER MAY OFFSET. The Controller may, in his or her discretion, offset any amount owed to the City and County by a person or entity against any amount owed by the City and County to such person or entity. (Added by Ord. 127-63, App. 5/28/63)

SEC. 10.27-2. CONTROLLER MAY OFFSET — IF AMOUNT OWED IS INSUFFICIENT. If the amount owed to a person or entity is insufficient to offset all amounts owed by such person or entity to the City and County, the amount available for offset may be applied in such manner as the Controller deems proper. (Added by Ord. 127-63, App. 5/28/63)

SEC. 10.27-3. CONTROLLER MAY OFFSET — WHEN AMOUNT BECOMES PAYABLE. Whenever an amount against which an offset has been made becomes payable, the Controller may, in his or her discretion, draw a warrant or warrants for the offset amount in favor of the concerned City and County

department, board or commission to which the offset money is owed. The balance remaining, if any, may be paid the person or entity to whom due. (Added by Ord. 127-63, App. 5/28/63)

SEC. 10.27-4. CONTROLLER MAY OFFSET — WHEN PERSON FAILS TO BILL FOR PAYMENT. In event the person or entity against whom an offset has been made is required to bill or otherwise make demand for payment and refuses or neglects to do so, when requested by the Controller, the concerned City and County department, board or commission shall file with the Controller a certificate setting forth the facts and make such billing or demand upon behalf of the person or entity. If approved by the Controller, it shall have the same force and effect as though it were a bill or demand made by the person or entity (Added by Ord. 127-63, App. 5/28/63)

SEC. 10.27-5. CONTROLLER MAY OFFSET — NET AMOUNT. The amount due and payable to any person or entity by the City and County is the net amount otherwise owed such person or entity after giving effect to any offset as provided in Sections 10.27-1 to 10.27-4. (Added by Ord. 127-63, App. 5/28/63)

SEC. 10.27-6. CONTROLLER MAY OFFSET — SECTION 16.32 NOT ABRIDGED. The provisions of Sections 10.27-1 to 10.27-5, inclusive, neither amend nor abridge those of Section 16.32 (Bill No. 1125, Ordinance No. 4.073 (C.S.) No. 5) of this Code. (Added by Ord. 127-63, App. 5/28/63)

SEC. 10.28. SPECIAL COUNSEL FOR CONTROLLER UPON ACTIONS AGAINST HIM OR HER BY CITY AND COUNTY. Whenever the City Attorney shall commence an action on behalf of the City and County, or any officer or board thereof, against the Controller, in his or her official capacity, with respect to disputed provisions of the law, the Controller may contract for special counsel out of such funds as may be appropriated or set aside for the purpose of the Board of Supervisors. (Ord. No. 8346 (1939), Sec. 7)

ARTICLE III

COLLECTION OF TAXES FROM FEDERALLY CONDEMNED LAND

SEC. 10.29. ACCEPTANCE OF SUMS PAID ON CANCELLATION OF TAXES. Whenever the United States of America acquires real property in the City and County subsequent to the beginning of any fiscal year and is legally entitled, under the provisions of Section 4986 of the Revenue and Taxation Code of the State of California, to have the taxes on such real property for such fiscal year cancelled, the Tax Collector is hereby authorized to accept such sums as may be paid to him or her on the cancellation of such taxes on such property. (Ord. No. 1909 (1939), Sec. 1)

SEC. 10.30. DISPOSITION OF MONEYS ACCEPTED UNDER PROVISIONS OF PRECEDING SECTION. All amounts accepted by the Tax

Collector under the authority of the preceding section shall be deposited by the Tax Collector to the credit of the general fund, for the account of miscellaneous receipts. (Ord. No. 1909 (1939), Sec. 2)

SEC. 10.30-1. IN-LIEU TAX PAYMENTS RECEIVED BY REDEVELOPMENT AGENCY. The Tax Collector is hereby authorized and directed, on behalf of the City and County of San Francisco, to accept from the Redevelopment Agency in-lieu tax payments received by the Redevelopment Agency from developers pursuant to disposition agreements for the sale of land in redevelopment projects. The said in-lieu tax payments shall be deposited with the Treasurer for the credit of the general fund of the City and County. (Added by Ord. 147-62, App. 6/7/62)

ARTICLE IV

COMPENSATION FOR USE OF PRIVATELY OWNED AUTOMOBILES

SEC. 10.31. AUTHORIZED. Subject to the fiscal and accounting procedures of the Charter, officers and employees shall be allowed traveling and incidental expenses and compensation for the use of privately owned automobiles in connection with official routine duty or service for or on account of the City and County as provided by this Article. (Ord. No. 4538 (1939), Sec. 1)

SEC. 10.32. ACTUAL OFFICIAL EXPENSES TO BE PAID. Any officer or employee of the City and County who, in the discharge of official routine duties or in the rendering of official routine service, incurs travel and other expenses incidental thereto shall be allowed and paid such actual and necessary travel and other expenses as may be incurred. (Ord. No. 4538 (1939), Sec. 1)

SEC. 10.33. EFFECT OF TRAVEL EXPENSE REGULATIONS. In the event that any routine trip is of such character as is contemplated by the current annual travel expense ordinance, but which does not require specific authorization by the Board of Supervisors, each elective officer in charge of an administrative office, the Controller, the Chief Administrative Officer and each board or commission, with the concurrence of the Controller, may provide for allowances and payments to officers and employees within their respective jurisdictions for the related trip in accordance with the provisions of the annual travel expense ordinance in effect at the commencement of the trip. (Ord. No. 4538 (1939), Sec. 1)

SEC. 10.34. GRANT OF AUTHORITY TO USE AUTOMOBILES; ESTABLISHMENT OF MILEAGE RATES. When funds have been appropriated for such purpose, each elective officer in charge of an administrative office, the Controller, the Chief Administrative Officer and each board or commission may authorize officers and employees within their respective jurisdictions to use privately owned automobiles in connection with any official routine duty or service and to be compensated for such use, on the basis of the actual number of miles traveled, at rates to be established by the Controller.

The Controller is hereby authorized and directed to establish said mileage rates and annually to examine into and revise said rates in accordance with such examination. The Controller shall submit to the Board of Supervisors for ratification all rates established pursuant to the provisions hereof, and such rates shall not become effective until appropriations for payment on the basis thereof shall have been duly enacted by the Board of Supervisors and have become available for the purpose. (Amended by Ord. 246-61, App. 9/1/61)

SEC. 10.35. CLAIMS FOR REIMBURSEMENT. Claim for the reimbursement of expenses or for automobile allowances in connection with official routine duties or services shall be delivered into the Controller's office not later than the 10th day after the close of the month in which such expenses were incurred. In the event that the Controller shall have advanced sums to cover any expenses for routine duties or services, such advances shall be accounted for and returned to the Controller not later than the 10th day after the return from each related trip to duty in or at the normal headquarters of the officers or employees. (Ord. No. 4538 (1939), Sec. 1)

SEC. 10.36. RULES FOR PRESENTATION OF VOUCHERS. The Controller shall establish rules for the presentation of such vouchers as he or she shall deem proper in connection with expenditures and for the payment of all amounts payable pursuant to this Article. (Ord. No. 4538 (1939), Sec. 1)

ARTICLE V

BUREAU OF DELINQUENT REVENUE COLLECTION

SEC. 10.37. ESTABLISHED; TO BE UNDER DIRECTION OF TAX COLLECTOR. A Bureau of Delinquent Revenue Collection is hereby established, the operations of which shall be under the direction and control of the Tax Collector. (Bill No. 662, Ord. No. 9.0231 (C.S.), Sec.1)

SEC. 10.38. REPORTS OF ACCOUNTS RECEIVABLE AND DELINQUENT TAXES TO BUREAU. The head of every department and office in the City and County, except municipally owned utilities under the jurisdiction of the Public Utilities Commission or the Airports Commission, the Department of Social Services, and the Port of San Francisco shall report to the Bureau of Delinquent Revenue Collection all accounts receivable uncollected for a period in excess of ninety days as shown by the records of each such department or office, including the name of the person indebted to the City and County, the nature of the indebtedness, the amount involved and the fund to which credit is due. The Tax Collector shall report to the bureau all persons shown by the delinquent tax list of each year as owning unsecured personal property taxes to the City and County. (Amended by Ord. 504-83, App. 10/14/83)

SEC. 10.39. BUREAU TO COLLECT ALL CLAIMS; EXCEPTION OF ASSIGNED CLAIMS. The Bureau of Delinquent Revenue Collection shall energetically prosecute the collection of all claims for money due the several City and County departments and offices when such claims are filed with the bureau, except such claims as are assigned for purposes of collection to a duly licensed collection agency of the State of California by the Board of Supervisors. (Added by Ord. 299-60, App. 6/2/60)

SEC. 10.39-1. ASSIGNMENT OF ACCOUNTS FOR PURPOSES OF COLLECTION. Upon recommendation of the Bureau of Delinquent Revenue collection, delinquent accounts or abandoned accounts may be assigned for purposes of collection by the Board of Supervisors pursuant to the provisions of Sections 26220, 26221 and 26222 of Government Code of the State of California. (Added by Ord. 299-60, App. 6/2/60)

SEC. 10.39-2. DIRECTOR OF ADULT PROBATION DEPARTMENT TO RECOVER COSTS OF INCARCERATION. The Director of the Adult Probation Department is designated as the county officer of San Francisco responsible for collection of monies ordered by the courts pursuant to Section 1203.1c of the California Penal Code, and shall make inquiry into the ability of the defendant to pay all or a portion of the costs of incarceration, develop a scale for determining a defendant's ability to pay such costs, develop payment schedules, receive payments, and deposit into the general fund through the County Treasurer any funds determined by a court to be the amounts to be reimbursed by such defendant to the County in a manner in which the court believes reasonable and compatible with the defendant's financial ability.

The Director of the Adult Probation Department shall base the costs of incarceration, including costs of booking, upon a determination made by the Sheriff and approved by the Controller, to be reviewed annually by the Board of Supervisors, of the average per-day costs of incarceration in the County Jail or other local detention facility. The Board of Supervisors may adopt such further legislation as is necessary to effectuate the purpose of this ordinance, but not to repeal the collection of monies pursuant to Section 1203.1c of the California Penal Code. (Enacted by Proposition J, 6/5/84)

SEC. 10.39-3. ANNUAL DETERMINATION OF AVERAGE PER-DAY COSTS OF INCARCERATION. The Director of the Adult Probation Department, as the county officer designated responsible for the collection of monies pursuant to San Francisco Administrative Code Section 10.39-2 and California Penal Code Section 1203.1c, shall annually base the average per-day costs of incarceration, including the costs of booking, in the County Jail or other local detention facility upon a determination made by the Sheriff and approved by the Controller.

For fiscal year 1984-85, the average per-day costs of incarceration are hereby determined to \$48 per day. (Added by Ord. 379-84, App. 8/31/84)

SEC. 10.39-4. SHERIFF'S WORK ALTERNATIVE PROGRAM FEES. The Sheriff is hereby authorized to assess and collect from all Sheriff's Work

Alternative Program (S.W.A.P) participants a fee which shall not exceed the pro rata cost of administering that program, pursuant to California State Penal Code Section 4024.2. The Sheriff shall make inquiry into the ability of each program participant to pay all or a portion of the costs of participation in S.W.A.P., develop a schedule or formula for determining a participant's ability to pay such costs, develop payment schedules, receive payments, and deposit all funds received into the general fund through the Treasurer.

The Sheriff shall determine the costs of S.W.A.P. participation, which determination shall be approved by the Controller and reviewed annually by the Board of Supervisors.

Nothing contained in this Section shall be deemed to supersede or conflict with any other provisions of this Code for recovering the costs of incarceration in any local detention facilities. (Added by Ord. 153-86, App. 5/2/86)

SEC. 10.40. COMPROMISE OR ABANDONMENT OF CLAIMS. The Bureau of Delinquent Revenue Collection may, with the approval of the Controller and the consent of the department or office submitting the claim, compromise any claim which may be reported to it for collection and may, with the consent of the Controller, abandon any claim presented to the bureau for collection. Before the collection of any claim is abandoned, the reasons for abandonment and the recommendation of the bureau shall be submitted to the Controller. If the Controller should approve the abandonment of the claim, the department in whose favor the claim exists shall be given credit for the amount thereof, if the amount has been charged against the department. If not so charged, the department shall be released from all liability for the collection of the amount. (Amended by Ord. 168-63, App. 7/16/63)

SEC. 10.41. COLLECTION OF DELINQUENT MUNICIPALLY OWNED UTILITY ACCOUNTS. The collection of delinquent revenues and delinquent accounts due to any municipally owned utility under the jurisdiction of the Public Utilities Commission shall be made in accordance with the provisions of Section 3.598 of the Charter. Accounts due to any such utility and which are delinquent for more than 90 days shall be reported by the head of the utility or by the Manager of Utilities to the Controller. If the head of the utility or the Manager of Utilities is of the opinion that the accounts cannot be collected, they may, with the approval of the Controller, be cancelled. In the event of such cancellation, the utility or the Public Utilities Commission shall no longer be responsible for their collection. (Bill No. 662, Ord. No. 9.0231 (C.S.), Sec. 5)

SEC. 10.41-1. COLLECTION OF SOCIAL SERVICES, PORT, AND AIRPORTS COMMISSION ACCOUNTS. The collection of delinquent revenues and delinquent accounts due to Department of Social Services, the Port of San Francisco or the Airports Commission shall be made by those departments. Accounts due to any such department and which are delinquent for more than ninety days shall be reported by the department head to the Controller and if the department head is of the opinion that the accounts cannot be collected, they may, with the approval of the Controller, be cancelled and in the event of such cancellation, the department shall no longer be responsible for their collection. (Amended by Ord. 504-83, App. 10/14/83)

SEC. 10.42. QUARTERLY REPORTS. The Bureau of Delinquent Revenue Collection shall make quarterly reports to the Board of Supervisors showing the total number of claims submitted to the Bureau during the preceding quarter, as well as the amount collected on such claims. (Bill No. 662, Ord. No. 9.0231 (C.S.), Sec. 6)

ARTICLE VI

REFUND OF ERRONEOUSLY COLLECTED MONEY

SEC. 10.43. PROCEDURE ON APPLICATION FOR REFUND OF FEES. Any fees, or amounts imposed for licenses, or penalties, costs or deposits, or fees for buildings permits, hereafter paid to any department, board or commission of the City and County may be refunded as hereinafter set forth; provided, that such payment was made by reason of:

- (a) Duplicate payment;
- (b) Payment made in excess of the actual amount due;
- (c) Payment erroneously collected by reason of a clerical error of the department, board or commission;
- (d) In the case of permits issued by the Central Permit Bureau and provided in the Building Code and where no work has been performed under the permit by the permittee, and where the project has been abandoned due to causes beyond the permittee's control, or where such permit has been cancelled or denied by the department, board or commission having jurisdiction; and
- (e) Penalty payment collected by Central Permit Bureau and reduced in amount by action of the Board of Permit Appeals. (Amended by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1. PROCEDURE ON APPLICATION FOR REFUND OF FEES — TIME FOR PRESENTATION OF CLAIMS. Claims for refund under Section 10.43 shall be presented and filed with the head of the department, board or commission originally receiving such money within one year after the last item of the account or claim accrued (Amended by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.1. PROCEDURE ON APPLICATION FOR REFUND OF FEES — ITEMIZATION AND VERIFICATIONS OF CLAIMS. Claims for refund shall be itemized, giving names, addresses, dates and particulars relative to the payment or deposit of the money therefor and all other details necessary to a full consideration of the merit and legality of such claim, and shall state that the amount claimed is justly due and that it is presented and filed within the time prescribed with the head of the department, board or commission originally receiving the money.

Such claim shall be sworn to before an officer authorized to administer oaths, and shall be made by the person who paid the money, or his or her authorized agent, or by his or her guardian, or in case of his or her death, by his or her executor or administrator. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.2. PROCEDURE ON APPLICATION FOR REFUND OF FEES — APPROVED BY DEPARTMENT. Such verified claim shall be examined by the head of the department, board or commission originally collecting the fees, or amounts imposed for licenses, or penalties, costs or deposits. When such verified claim shall be found to be correct in all details the head of the department, board or commission shall execute such forms as prescribed by the Controller, attach thereto the verified claim for refund and transmit the same to the Controller. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.3. PROCEDURE ON APPLICATION FOR REFUND OF FEES — CLAIMS RETURNED FOR CORRECTION. When any claim for refund which has been presented and filed is ascertained to be incomplete or incorrect in one or more details, the head of the department, board or commission must withhold his or her approval of same and shall cause written notice to be given the claimant of that fact, and shall allow the claimant 30 days from the date of the notice to have the claim completed or corrected and reverified. Should the claimant not do so within the time prescribed, the claim shall be disapproved. Subsequent to such disapproval, the head of the department, board or commission shall notify the claimant in writing of such fact and reason therefor. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.4. PROCEDURE ON APPLICATION FOR REFUND OF FEES — AUDIT BY CONTROLLER. The Controller shall audit such approved claim for refund. If the Controller ascertains the same to be correct and proper in all particulars, he or she shall draw and approve a warrant therefor payable to the person who paid the money, or his or her guardian, or in case of his or her death, to his or her executor or administrator. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.5. PROCEDURE ON APPLICATION FOR REFUND OF FEES — DISAPPROVED BY CONTROLLER; CLAIMANT TO BE NOTIFIED. When in the Controller's opinion, such claim is not legal, or if all proceedings required incidental to such payment have not been followed, the Controller shall withhold approval and shall return the claim to the department, board or commission concerned with a statement of his or her action thereon and reason therefor. The head of the department, board or commission, upon receipt of the same, must notify the claimant in writing of the fact of the Controller's action and the reason therefor. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.6. PROCEDURE ON APPLICATION FOR REFUND OF FEES — EXCEPTIONS. The provisions of Section 10.43 shall not apply to claim for refund of money paid or deposited by reason of property taxes, real estate taxes, improvement taxes, personal property taxes, special taxes or special assessment district levies. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-1.7. PROCEDURE ON APPLICATION FOR REFUND OF FEES — REFUNDS GENERALLY; RETROACTIVE EFFECT OF REFUNDS. The provisions of Section 10.43 through 10.43-1.6 relating to the right of refund of money, and the procedure in relation thereto, shall apply to all claims for refunds of

any kind described in Section 10.43 heretofore presented and filed with the head of the department, board or commission which originally received such money; and when such claims have been approved by the head of the respective department, board or commission, and transmitted to the Controller, on or subsequent to July 1, 1949. The payment of all such claims made prior to July 1, 1949, is hereby ratified and approved. (Added by Ord. 109-61, App. 5/18/61)

SEC. 10.43-5. RENTAL DEPOSITS, CIVIC AUDITORIUM AND BROOKS HALL. The Director of Property, with the approval of the Chief Administrative Officer, upon the cancellation of an advance reservation for space in the Civic Auditorium and Brooks Hall, or either of them, and for which a money deposit has been made, is empowered to refund the said deposit, in whole or in part, provided the Director of Property determines the best interests of the City and County will be served thereby and there is deducted from said refund any loss or expense suffered by the City and County. Refund of deposits shall be made in accordance with procedures established by the Controller. (Added by Ord. 619-59, App. 12/1/59)

ARTICLE VII

DISPOSITION OF UNIDENTIFIED TAX COLLECTIONS

SEC. 10.44. DEPOSIT WITH TREASURER; SEPARATE ACCOUNT IN GENERAL FUND. All unidentified tax collections shall be deposited by the Tax Collector with the Treasurer and the Controller shall maintain a separate accounting thereof within the General Fund. (Ord. No. 525 (1939), Sec. 1)

SEC. 10.45. CREDIT AND TRANSFER OF IDENTIFIED FUNDS. Whenever the identity of a tax collection deposited as provided by the preceding section is established, the proper account shall be credited and the Controller is hereby authorized to make the necessary transfer of funds. (Ord. No. 525 (1939), Sec. 2)

SEC. 10.46. ESCHEAT OF FUNDS UNIDENTIFIED FOR TEN YEARS. All tax collections remaining unidentified for a period of 10 years shall escheat to the City and County in accordance with the provisions of Sections 50050 to 50053 of Government Code, State of California. (Ord. No. 525 (1939), Sec. 4)

ARTICLE VIII

FISCAL AGENT FOR BOND PAYMENTS IN NEW YORK

SEC. 10.47. APPOINTMENT OF NEW YORK FISCAL AGENT. The Board of Supervisors hereby designates and appoints the First National City Bank of New York as the fiscal agent of the City and County of San Francisco, in the City and State of New York, for the purpose of paying and providing for the payment in

the City of New York of the principal and interest due and to become due upon the outstanding bonds heretofore or hereafter issued by the City and County. (Ord. No. 1184 (1939), Sec. 1)

SEC. 10.48. PAYMENT OF AGENT. The fiscal agent appointed by the preceding section shall be reimbursed for payment of bonds and coupons in accordance with a fee schedule to be established by the Treasurer of the City and County and approved by the Controller of said City and County. Said Treasurer is hereby authorized and empowered to establish said fee schedule, a copy of which shall be filed with the Board of Supervisors. The Treasurer shall immediately advise the Board of Supervisors in writing of any change in said fee schedule. (Amended by Ord. 244-68, App. 8/17/68)

SEC. 10.49. PROCEDURE FOR PAYMENT; AGENT'S BOND. The Treasurer of the City and County is hereby authorized to agree with the New York fiscal agent as to the time at which and the manner in which the amounts to become due as provided in the preceding section shall be paid, as well as to how and when the fiscal agent shall be reimbursed for any and all moneys paid out by the fiscal agent in the payment of any coupon or bond. The Treasurer is authorized to require a bond from the fiscal agent for the faithful performance of its duties and for the payment of any moneys which may become due from the fiscal agent to the City and County, the amount and terms of such bond to be approved by the Treasurer, and the premium thereon to be paid by the City and County. (Ord. No. 1184 (1939), Sec. 3)

SEC. 10.49-1. PAYMENT OF LOST OR DESTROYED BOND COUPONS. The Treasurer is authorized to pay amounts due on lost or destroyed bond coupons upon the filing, within the period allowed by the statute of limitations, of an affidavit under oath by the owner of the coupon on its due date, setting forth all material facts relative to the loss or destruction, and presentation of the bond to which such coupon was attached, in accordance with forms and procedures established by the Controller. (Added by Ord. 307-60, App. 6/15/60)

SEC. 10.49-2. INDEMNITY AGREEMENT AND ACCOUNT TO BE CHARGED. The requisite affidavit for payment of any lost or destroyed bond coupon shall contain an agreement to indemnify the City and County for any loss resulting from duplicate payment of such coupon, which duplicate payment, if occurring, shall be charged against the bond interest and redemption reserve. (Added by Ord. 307-60, App. 6/15/60)

SEC. 10.49-5. CLEARING HOUSE REPRESENTATIVE. Any bank doing business with the City and County may be designated by the Controller and the Treasurer as the clearing house representative for the City and County. (Amended by Ord. 66-76, App. 3/12/76)

ARTICLE IX

SALE OF TRUST SECURITIES

SEC. 10.50. SALE AUTHORIZED. Stocks, bonds or other securities received by any board, commission or officer, by donation, gift, devise, bequest or

purchase and held by such board, commission or officer in trust for a special purpose for the benefit of the City and County or for the benefit of any of its departments may, on the recommendation of the officer, board or commission charged with the control or administration of such trust property or funds, be sold by the Treasurer of the City and County as provided by this Article. (Ord. No. 2754 (1939), Sec. 1)

SEC. 10.51. FIXING PRICE. When any board, commission or officer shall in writing or by resolution of the board or commission, request the Treasurer of the City and County to sell any stocks, bonds or other securities received or held by the board, commission or officer in trust for a specific purpose for the benefit of the City and County, the board, commission or officer shall fix the price at which such stocks, bonds or other securities shall be sold, and notify the Treasurer to sell the same at a price at not less than the price fixed by the board, commission or officer. (Ord. No. 2754 (1939), Sec. 2)

SEC. 10.52. NOTICE OF SALE; PROCEDURE AT AUCTION OR PRIVATE SALE. Upon receiving the notification from the board, commission or officer, it shall be the duty of the Treasurer to offer the stocks, bonds or other securities for sale, either at public auction or at private sale. The Treasurer shall, within five days prior to the making of the sale, publish a notice of the sale once in the official newspaper of the City and County. If the sale is to be at public auction, the notice shall contain the time and place of the sale. If at private sale, the notice shall contain the time and place when bids or offers for the stocks, bonds or other securities will be received. If the sale is made at public auction, the Treasurer shall sell the stocks, bonds or other securities to the highest and best bidder therefor. If sold at private sale, the Treasurer shall accept the highest bid or offer received therefor; provided, that no bid shall be accepted in an amount lower than the amount specified by the board, commission or officer requesting the sale.

It is provided, however, that when stocks, bonds or securities are listed on an established stock or bond exchange, no notice of sale need be given and sale may be made through any bank or broker, through any recognized stock exchange; and also provided, that such stocks, bonds or securities are not sold below the price fixed by the board, commission or officer requesting such sale. (Ord. No. 2754 (1939), Sec. 3)

SEC. 10.53. APPROVAL OF MINIMUM SALES PRICE. Whenever any board, commission or officer shall request the Treasurer to sell any stocks, bonds or other securities held by or under the jurisdiction of the board, commission or officer — and the board, commission or officer shall fix a price below which the stocks, bonds or other securities shall not be sold — such stocks, bonds or other securities shall not be offered for sale or sold, until such price is approved by the Chief Administrative Officer and the Controller. (Ord. No. 2754 (1939), Sec. 4)

SEC. 10.54. EXPENSE OF SALE. All expenses incurred in the matter of the sale of any stocks, bonds or other securities offered for sale or sold as provided by this Article shall be paid from the proceeds of the sale of the same or by the department requesting the sale of the same. (Ord. No. 2754 (1939), Sec. 5)

SEC. 10.55. ARTICLE NOT APPLICABLE TO RETIREMENT SYSTEM SECURITIES. The provisions of the Article shall not apply to any sale of stocks, bonds or other securities held or to be sold by or for the City and County Employees' Retirement System (Ord. No. 2754 (1939), Sec. 6)

SEC. 10.56. ENDORSEMENT BY MAYOR. Whenever the Treasurer shall sell any stocks, bonds or other securities, as provided in this Article, and whenever any of such bonds, stocks or other securities stand in the name of the City and County with the endorsement of the City and County being necessary in order to transfer the stocks, bonds or other securities, the Mayor is hereby authorized to endorse the same for and on behalf of the City and County; and to take all other actions which may be necessary in order that the stocks may be transferred to the purchaser thereof when sold by the Treasurer, in accordance with the provisions of this Article. (Res. No. 4111 (1939))

ARTICLE X

MONEYS RECEIVED BY MUNICIPAL COURT

SEC. 10.57. MONEY TO BE DELIVERED TO TREASURY AS PROVIDED BY SECTION 6.311 OF THE CHARTER. All money received by the Municipal Court and the Municipal Court Clerk for or in connection with the business of the Municipal Court shall be paid or delivered into the treasury not later than the next business day after its receipt, as provided by Section 6.311 of the Charter. (Ord. No. 2084 (1939), Sec. 1)

SEC. 10.57A. PAYMENT BY CREDIT CARD. The Clerk of the Municipal Court for the City and County of San Francisco and the San Francisco Police Department are hereby authorized to accept credit cards for payment for the deposit of bail or for any fine for any offense not declared to be a felony, or for payment of any towing or storage costs for a vehicle which has been removed from a highway, or from public or private property, as a result of parking violations. (Added by Ord. 50-83, App. 2/4/83)

SEC. 10.58. MONEY FROM TRAFFIC COURT OR TRAFFIC FINES BUREAU TO BE DEPOSITED IN COMMERCIAL BANK ACCOUNT — GENERALLY; ACCOUNT DESIGNATED. For the purpose of clearing checks, money orders and similar documents received in the Traffic Fines Bureau or in the Traffic Court during the course of business of the court, the Clerk of the Municipal Court is hereby authorized to open a commercial bank account to be known as: "Municipal Court of the City and County of San Francisco Clearing Account." (Ord. No. 2084 (1939), Sec. 2)

SEC. 10.59. MONEY FROM TRAFFIC COURT OR TRAFFIC FINES BUREAU TO BE DEPOSITED IN COMMERCIAL BANK ACCOUNT — SIGNING CHECKS DRAWN ON ACCOUNT. Checks drawn upon the bank

account authorized by the preceding section shall be signed by either the Clerk of the Municipal Court or such employees of his or her office as are duly authorized by the Clerk to sign. (Ord. No. 2084 (1939), Sec. 3)

SEC. 10.60. MONEY FROM TRAFFIC COURT OR TRAFFIC FINES BUREAU TO BE DEPOSITED IN COMMERCIAL BANK ACCOUNT — DEPOSIT IN ACCOUNTS. All checks, money orders and similar documents received shall be deposited in the bank account designated in Section 10.58 of this Code not later than the next business day after receipt thereof. (Ord. No. 2084 (1939), Sec. 4)

SEC. 10.61. MONEY FROM TRAFFIC COURT OR TRAFFIC FINES BUREAU TO BE DEPOSITED IN COMMERCIAL BANK ACCOUNT — CHECK TO BE DRAWN IN FAVOR OF TREASURER IN SAME AMOUNT AS DEPOSIT. Concurrently with making the deposits in the bank, the Clerk shall issue or cause to be issued a check in the full amount of the deposit drawn in favor of the Treasurer, which check shall constitute a part of the deposit with the Treasurer prescribed in Section 10.57 of this Code. (Ord. No. 2084 (1939), Sec. 5)

SEC. 10.62. MONEY FROM TRAFFIC COURT OR TRAFFIC FINES BUREAU TO BE DEPOSITED IN COMMERCIAL BANK ACCOUNT — EFFECT ON TREASURER'S CHECK UPON NONCOLLECTION OF DEPOSITS. In the event any items deposited in the bank account designated in Section 10.58 of this Code are returned by the bank, the amount of the check drawn by the Clerk pursuant to the preceding section shall be reduced by the amount of the uncollected items returned by the bank to the Clerk the preceding business day. (Ord. No. 2084 (1939), Sec. 6)

SEC. 10.63. MONEY FROM TRAFFIC COURT OR TRAFFIC FINES BUREAU TO BE DEPOSITED IN COMMERCIAL BANK ACCOUNT — EFFECT OF UNCOLLECTED DEPOSITS ON CLEARED TRAFFIC CASES. Traffic cases which were cleared by virtue of the receipt of checks, money orders and similar documents, which were subsequently returned uncollected by the bank, shall be re-established immediately as uncleared traffic cases. (Ord. No. 2084 (1939))

SEC. 10.64. DEPOSIT OF UNIDENTIFIED AND EXCESS PAYMENTS. All payments received by the Municipal Court in excess of the amount applicable to a particular transaction, and all payments which cannot be immediately identified with a particular transaction, shall be included in and made a part of the deposit with the Treasurer prescribed by this Article. (Ord. No. 2084 (1939), Sec. 11)

SEC. 10.65. MUNICIPAL COURT SUSPENSE ACCOUNT. The receipts described in the preceding Section shall be shown separately on the daily deposit tag and shall be credited to "Municipal Court Suspense Account," which account the Controller is hereby authorized and directed to create. (Ord. No. 2084 (1939), Sec. 12)

SEC. 10.66. REPAYMENT OF EXCESS PAYMENTS; TRANSFER OF UNCLAIMED EXCESS PAYMENTS. In cases where payments are in excess of the correct amount, refund will be made by the Controller upon proper authorization from the Court, on such form and in such manner as may be prescribed by the Controller. The Clerk of the Court shall prepare a schedule daily, covering these items. Upon the Court's order so to do, the Controller shall draw a warrant payable to each claimant listed on the schedule where the amount claimed is on deposit in the suspense account. Where excess payments remain unclaimed for a period of one year or more, the Controller is authorized to transfer such amounts from the suspense account to the General Fund. (Ord. No. 2084 (1939), Sec. 13)

SEC. 10.67. RETURN AND REGISTER OF INSUFFICIENT OR DEFICIENT CHECKS. Checks, money orders and similar documents received in amounts insufficient to cover cases for which tendered, or deficient in any other respect, shall be returned to their respective senders not later than the next business day after receipt. The Clerk shall maintain a register in which shall be chronologically recorded each item so returned. There shall also be recorded in the register the date, amount, identity of the instrument returned, name and address of the sender, and the date and reason for its return. (Ord. No. 2084 (1939), Sec. 14)

SEC. 10.68. TRANSFER OF UNIDENTIFIABLE COLLECTIONS UPON SUBSEQUENT IDENTIFICATION. With respect to collections not immediately identifiable, when identification is subsequently made, request shall be made of the Controller to transfer the applicable amount from the suspense account to the proper account. All such items remaining in the suspense account at the close of any fiscal year may be transferred by the Controller to the General Fund. (Ord. No. 2084 (1939), Sec. 15)

SEC. 10.69. MUNICIPAL COURT CLERK'S RECORDS AND REPORTS. The Clerk of the Municipal Court shall maintain such records and prepare such reports as the Controller and presiding judge shall prescribe. (Ord. No. 2084 (1939), Sec. 16)

ARTICLE XI

NUMBERING OF LOTS AND BLOCKS FOR ASSESSMENT PURPOSES

SEC. 10.70. FORMULATION OF SYSTEM OF NUMBERING LOTS AND BLOCKS; PREPARATION OF MAPS. The City and County Assessor and the City Engineer are hereby authorized to prepare and formulate a system of assessing the lots and blocks and lands in the City and County by a lot number and block number. They are hereby authorized to make and compile maps, indexes and map books from existing maps now used by the Assessor, or from maps on file in the Recorder's office, and to renumber the blocks, and to give a lot number or lot letter, or combined number and letter, to each lot or parcel of land as shown on the Assessor's block books. (Ord. No. 2511 (N.S.), Sec. 1)

SEC. 10.71. LOT AND BLOCK NUMBERS TO BE WRITTEN ON ASSESSMENT ROLLS. The Assessor is hereby authorized and directed, commencing with the assessment rolls for the fiscal year 1914-1915, to write the real estate assessment rolls describing each parcel of land by lot and block number, or tract number, as delineated on the map and block book prepared as provided by the preceding section. (Ord. No. 2511 (N.S.), Sec. 2)

SEC. 10.72. CHANGES IN MAP AND BLOCK BOOKS. The Assessor is hereby authorized to make the necessary changes in the map and block books from year to year as may be required to meet conditions imposed by the cutting up of present lots or parcels of land or platting of acres or changing of ownership. (Ord. No. 2511 (N.S.) Sec. 3)

SEC. 10.73. FILING OF COPIES OF BLOCK BOOKS. A copy of the block books shall be filed in the office of the Assessor, Tax Collector, Controller and Recorder. Such copy may be a photograph of the block books of the Assessor, as the same are on the first Monday of March of each and every year. (Ord. No. 2511 (N.S.), Sec. 4)

ARTICLE XII

RISK MANAGEMENT PROGRAM

SEC. 10.74. PROCUREMENT SUBJECT TO BOARD OF SUPERVISORS' APPROVAL. Except as otherwise provided by this Article, the procurement of insurance for any City and County department shall be subject to the approval of the Board of Supervisors. (Amended by Ord. 293-86, App. 7/3/86)

SEC. 10.75. ANNUAL RISK MANAGEMENT BUDGET. The Risk Manager shall file with the Mayor and the Board of Supervisors, on or before March 1st of each year, a proposed Risk Management Budget for the ensuing fiscal year. Such budget shall describe specific insurance and self-insurance for all City and County departments, loss control measures, specific temporary expert professional or technical services, and the manner of purchase of such insurance and services. (Amended by Ord. 293-86, App. 7/3/86)

SEC. 10.77. CONTRACT FOR EXPERT SERVICES. The Risk Manager may contract from time to time for such temporary expert professional or technical services as he or she may deem necessary, subject to the budget and fiscal procedures of the Charter. (Amended by Ord. 293-86, App. 7/3/86)

SEC. 10.78. ARTICLE NOT TO APPLY TO WORKERS' COMPENSATION INSURANCE. The provisions of this Article shall not apply to insurance of the compensation liability of the City and County under the provisions of the workers' compensation laws of the state, which is governed by Section 8.515 of the Charter. (Ord. No. 10036 (1939), Sec. 5)

ARTICLE XIII

FUNDS

SEC. 10.79. TRANSFERS OF FUNDS BY TREASURER FOR MAINTENANCE; CONTROLLER'S APPROVAL. The Treasurer of the City and County is hereby authorized, as provided in Section 31, Article IV of the Constitution of the State of California, to make temporary transfers, as approved by the Controller, from the funds in the Treasurer's custody as may be necessary to provide funds for meeting the obligations incurred for maintenance purposes by the City and County, districts and other political subdivisions whose funds are in custody and are paid out solely through the Treasurer's office. Such temporary transfers of funds shall not exceed 85 percent of the taxes accruing to such City and County, district or other political subdivision, and shall be replaced from the taxes accruing thereto before any other obligation thereof is made from such taxes. (Amended by Ord. 352-64, App. 12/29/64; orig. Res. 27-58 codified by Ord. 193-74, App. 4/18/74)

SEC. 10.79-1. TRANSFER OF FUNDS PENDING BOND SALES. Whenever surplus funds are available for the purpose recited in Title 5, Division 2, Part 1, Chapter 4, Article 1 of Government Code, State of California, the Treasurer, upon authorization of the Controller, is hereby authorized and directed to make temporary transfer from such surplus funds in his or her custody as may be necessary to meet obligations of appropriations made by the Board of Supervisors from authorized bond funds, pending receipt of proceeds from the sale of related authorized bonds; provided that there shall first be reserved by the Controller a sufficient amount of authorized unsold bonds for the replacement of such temporary transfers; and provided, further, that the amount so transferred shall be replaced in the fund from which it was transferred from the proceeds of the sale of the related bonds. (Added by Ord. 30-65, App. 2/5/65)

SEC. 10.79-2. INVESTMENT OF SURPLUS FUNDS; DELEGATION TO TREASURER. Whenever surplus funds of the City and County are available for the purposes recited in Title 5, Division 2, Part 1, Chapter 4, Article 1 of Government Code, State of California, the Board of Supervisors hereby delegates its authority to invest or to reinvest such funds, or to sell or exchange securities purchased with such funds to the Treasurer. The Treasurer shall assume full responsibility for such transactions until such time as this delegation of authority is revoked. The Treasurer shall make a monthly report of such transactions to the Board of Supervisors. (Amended by Ord. 34-72, App. 34-72)

SEC. 10.79-3. FUNDS, TRANSFER OF — INTEREST PAYMENTS. No temporary transfers of funds shall be made to districts whose funds are in the custody of the Treasurer under resolution adopted by the Board of Supervisors pursuant to the provisions of Section 25 of Article XIII of the Constitution, State of California, unless the Treasurer has in his or her possession a certified copy of a resolution, duly passed by the governing board of the related districts, agreeing that any amount so temporarily transferred shall bear interest from the date of such loan

until repayment, at a rate not less than the current rate of interest paid on deposits by banks to the City and County of San Francisco. (Resolution No. 27-58, App. 1/15/58; codified by Ord. 193-74, App. 4/18/74)

SEC. 10.80. CREATION OF SPECIAL FUNDS UPON RECEIPT OF GIFTS; EXPENDITURES FROM SUCH FUNDS. Whenever the City and County shall receive from the United States of America, the State or from any public or semi-public agency, or from any private person, firm or corporation any moneys or property to be converted into money, the Controller shall set up on the books of his or her office a special fund or account evidencing the moneys so received and specifying the purposes for which they have been received and for which they are held, which account or fund shall be maintained by the Controller as long as any portion of the moneys remain unexpended.

The expenditures necessary from the fund or account created as provided by this Section, in order to carry out the purpose for which such moneys have been received or for which the account is being maintained, shall be approved by the Controller and the expenditures are hereby appropriated in accordance with the terms and conditions under which such moneys have been received by the City and County, and in accordance with the conditions under which such fund is maintained. (Bill No. 746, Ord. No. 9.0431 (C.S.), Secs. 1, 2)

SEC. 10.81. DEPOSIT OF FUNDS IN BANKS GENERALLY. There is a conflict between the federal and State laws relative to the deposit of public funds in the hands of the several treasurers of the several counties of the State; and, it is provided by an act of the Legislature of the State, passed by the 1937 session of the State Legislature, that until the conflict between the federal and State laws is adjusted, the Treasurer, with the consent of the governing body of any county or city and county, shall determine what amount of public funds shall be deposited in active accounts as well as the amount which may be deposited in inactive accounts in the several banks in the State.

Therefore, the Board of Supervisors does hereby give to the Treasurer its consent that he or she shall determine the amount of public funds coming into his or her hands which shall be deposited in the several banks in the State in active accounts as well as the amounts which shall be deposited in inactive accounts; and, the Treasurer is hereby authorized to enter into the necessary agreements as required by law for the deposit of funds under his or her jurisdiction in either active or inactive accounts. (Resolution No. 3469 (C.S.))

SEC.10.81-1. MONIES AND SECURITIES IN TREASURY. Charter Section 6.310 gives to the Board of Supervisors the authority to provide by ordinance for the safe custody of all monies and property in the possession or under the control of the Treasurer. Therefore, under the authority of Section 6.310 the Board of Supervisors provides the following to replace that which is set forth in Charter Section 6.310.

Monies and securities in possession of the Treasurer shall be deposited in a custody safe, the combination to which shall be known only to the Treasurer or to employees selected by him or her. The safe shall be opened only in the presence of two or more employees of the Treasurer. A complete record of monies and securities

in the custody safe shall be kept and any additions or withdrawals shall be verified by the initials of the Treasurer or his or her designated employees. Money required for current daily payments to be made from the treasury may be withdrawn from the custody safe by the Treasurer's chief teller, who shall maintain a daily reconciliation of cash on hand with the Controller's accounting records.

The Treasurer is authorized to establish rules and regulations for the safe custody of all money and property in the possession or under the control of the Treasurer. (Added by Ord. 90-86, App. 3/21/86)

SEC. 10.82. RECEIPT OF FUNDS BY CONTROLLER FORMERLY RECEIVED BY SHERIFF. The Board of Supervisors does hereby accept and the Controller and Treasurer are hereby authorized to receive and credit to the General Fund, moneys received prior to October 2, 1944, or which may hereafter be received by the Sheriff in his or her official capacity, as Sheriff, over and above the salary authorized by the Charter. (Ord. No. 2955 (1939), Sec. 1)

SEC. 10.83. HETCH HETCHY TRANSIT POWER DIVISION STORES REVOLVING FUND — CREATED. There is hereby created the Hetch Hetchy Transit Power Division Stores Revolving Fund, in an amount not to exceed \$100,000, for the purchase, storage and clearance of materials and supplies required for the use of the Hetch Hetchy Transit Power Division in connection with its performance. (Added by Ord. 170-71, App. 7/8/71)

SEC. 10.83-1. HETCH HETCHY TRANSIT POWER DIVISION STORES REVOLVING FUND — ALL PURCHASES FOR HETCH HETCHY TRANSIT POWER DIVISION. All purchases of materials and supplies required for the use of the Hetch Hetchy Transit Power Division shall be purchased out of the Hetch Hetchy Transit Power Division Stores Revolving Fund. All withdrawals from stores shall be paid for out of the funds provided for current or specific purposes by each annual appropriation ordinance or each supplemental appropriation ordinance. The funds provided by each such payment shall be deposited to the credit of the Hetch Hetchy Transit Power Division Stores Revolving Fund. (Added by Ord. 170-71, App. 7/8/71)

SEC. 10.83-2. HETCH HETCHY TRANSIT POWER DIVISION STORES REVOLVING FUND — IF BALANCE INSUFFICIENT. Should the unencumbered balance of the Hetch Hetchy Transit Power Stores Revolving Fund be insufficient at any time to purchase materials and supplies which are required for the immediate use of the Hetch Hetchy Transit Power Division, and funds have been appropriated for that purpose, the Controller may, upon the recommendation of the department head and the approval of the General Manager of Public Utilities, transfer the required amount from the funds so appropriated and make them available in the Hetch Hetchy Transit Power Division Stores Revolving Fund for the purchase of the required materials and supplies. (Added by Ord. 170-71, App. 7/8/71)

SEC. 10.83-3. PURCHASER OF SUPPLIES IN CHARGE OF STORE-ROOMS AND WAREHOUSES. Pursuant to the provisions of Section 7.100 of

the Charter, the Purchaser of Supplies is hereby directed and it shall be his or her duty to take charge of the storerooms and warehouses operated hereunder. (Added by Ord. 170-71, App. 7/8/71)

SEC. 10.83-4. CONTROLLER TO PRESCRIBE PROCEDURES FOR PURCHASE AND ISSUANCE OF STORES. The Controller is hereby directed and it shall be his or her duty to prescribe the procedure governing the purchase and issuance of stores and the accounting therefor in accordance with the provisions of Section 3.301 of the Charter. (Added by Ord. 170-71, App. 7/8/71)

SEC. 10.84. SPECIAL GAS TAX STREET IMPROVEMENT FUND — CREATED. To comply with the provisions of Sections 180 to 207, and in particular, Section 196 of the Streets and Highways Code, State of California, there is hereby created in the City Treasury a special fund to be known as the "Special Gas Tax Street Improvement Fund." (Bill No. 884, Ord. No. 9.04194 (C.S.), Sec. 1)

SEC. 10.85. SPECIAL GAS TAX STREET IMPROVEMENT FUND — PAYMENTS INTO FUND. All moneys received by the City and County from the state under the provisions of the Streets and Highways Code, State of California, for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of streets or highways, other than state highways, shall be paid into the fund created by the preceding section. (Bill No. 884, Ord. No. 9.04194 (C.S.), Sec 2)

SEC. 10.86. SPECIAL GAS TAX STREET IMPROVEMENT FUND — EXPENDITURES FROM FUND. All moneys in the Special Gas Tax Street Improvement Fund shall be expended exclusively for the purposes authorized by and subject to all of the provisions of the Streets and Highways Code, State of California. (Bill No. 884, Ord. No. 9.04194 (C.S.), Sec. 3)

SEC. 10.87. SPECIAL GAS TAX STREET IMPROVEMENT FUND — AGREEMENTS IN CONNECTION WITH FUND. In connection with the Special Gas Tax Street Improvement Fund, the Chief Administrative Officer is hereby authorized to execute, on behalf of the City and County, all project statements, amended project statements, memoranda of agreements and amended memoranda of agreements for streets which have been or shall be designated by the Board of Supervisors as streets of major importance, the cost of improving which is to be paid out of the Special Gas Tax Street Improvement Fund.

Nothing contained in this Section shall be construed as authorizing the Chief Administrative Officer to deviate in any manner whatsoever, other than as herein provided, from the full and complete prosecution of the projects designated for improvement with funds, in whole or in part, from the Special Gas Tax Street Improvement Fund, as set up in each annual or supplemental appropriation ordinance. (Res. No. 2828 (1939))

SEC. 10.88. "CASH DIFFERENCE FUND" AND "OVERAGE FUND." "Cash Difference Fund" created. There is hereby created a "Cash Difference Fund."

"Overage Fund" created. There is hereby created an "Overage Fund," in which all cash overages shall be deposited.

Drawing warrants; use to eliminate cash deficits only. The Controller is hereby authorized and he or she shall draw a warrant in favor of the Treasurer for such amounts as may be appropriated for this purpose. The Treasurer shall use such funds only to eliminate cash deficits as herein provided.

Reports of cash deficits and overage. Any employee of the departments, or officers enumerated herein, who receives and disburses money placed in his or her custody as directed by law or by official authority, shall render a written report, through his or her respective department head, to the Treasurer at the close of each business day, setting forth the exact sum of any cash deficit or overage in his or her account for that day. Failure to report any cash deficit or overage at the close of the business day in which it occurred is a violation of this Section.

Elimination of deficit. When a cash deficit is reported to the Treasurer, as herein provided, he or she shall provide the amount required to eliminate such cash deficit; provided, that the amount thereof shall not exceed the amount available in the Cash Difference Fund.

Deposits of overage. When an overage is reported to the Treasurer the amount thereof shall be immediately deposited in the Cash Overage Fund in the treasury. The balance in the Cash Overage Fund at the end of the fiscal year shall revert to the General Fund.

Reports and statements. On or before the 10th day of each calendar month the Treasurer shall file with the Board of Supervisors and the Controller a statement covering the preceding calendar month, itemizing each cash deficit as to amount, date of occurrence and the name and civil service classification of each person whose account was reimbursed from the Cash Difference Fund, together with any additional information as may be required by the Board of Supervisors or by the Controller. The statement shall likewise itemize each item of overage occurring in the same preceding calendar month.

Application of section. This Section shall apply to the employees of the Treasurer's office.

This Section shall apply to the employees of the Assessor's office.

This Section shall apply to the employees of the Tax Collector's office.

This Section shall apply to the employees of the Redemption Officer.

This Section shall apply to the employees of the office of the Clerk of the Municipal Court.

This Section shall apply to the members of the Police Department specifically assigned to the receiving of funds.

This Section shall apply to include persons acting as cashier, Department of Public Health, Bureau of Accounts.

This Section shall apply to include employees of the office of the Clerk of the Superior Court.

Treasurer's disallowance of deficits. The Treasurer, for good reason, may return disallowed any deficit report. Such disallowed report may be referred to the Board of Supervisors for its determination.

Rules and regulations. The Treasurer shall establish rules and regulations for the administration of the purposes of this Section. (Amended by Ord. 399-78, App. 9/8/78)

SEC. 10.88-1. COUNTERFEIT MONEYS. The term "cash deficits" as used in Section 10.88 shall include deficiencies created by the receipt of counterfeit moneys and the surrender of the federal receipt for such counterfeit moneys to the Treasurer by any department. (Amended by Ord. 404-60, App. 8/3/60)

SEC. 10.89. RESERVE FUND FOR SELF-INSURANCE AGAINST CERTAIN LIABILITY OF OFFICERS AND EMPLOYEES. A fund to be known as the Public Officers and Employees Self-insurance Fund is hereby created for the purpose of establishing a reserve for self-insurance, to the extent only of such reserve, against liability of officers and employees of the City and County of San Francisco. Payments may be authorized and made from such fund for the purpose of satisfying any such liability only to the extent of the amount of such fund available at any time; and, with respect to a liability against which an officer or employee has other insurance, only in the amount by which such fund exceeds the total applicable limits of liability of all such other valid and collectible insurance; and only on authorization in each instance by ordinance.

Whenever any claim against an officer or employee shall exist in favor of any person and when such claim is not the subject of litigation, it may be settled and compromised on the written recommendation of the head of the department; or of the board or commission in charge of the department wherein such officer or employee is employed; or the recommendation of the City Attorney and the approval of the Board of Supervisors by resolution.

The principal of such fund shall be in the sum of \$100,000 heretofore appropriated to the Public Health Officer's Self-insurance Fund. The balance therein at the end of any fiscal year shall be maintained and carried forward in such fund. The total amount in such fund shall not at any time exceed \$100,000.

Nothing contained in this Section shall ever give rise to any liability on the part of the City and County to any person, but this Section shall be only a provision for self-insurance of officers and employees in accordance with Sections 1956 and 1980 of Government Code, State of California, which self-insurance shall be to the extent only of the fund herein provided. Any provision hereof may be amended or repealed at any time, and such fund may be terminated by ordinance and the amount thereof appropriated for other purposes, without liability of the City and County to any person, regardless of time or period of employment, or of injuries or damages or otherwise. If such fund is not terminated, as provided herein, the Chief Administrative Officer shall include in his or her annual budget request sufficient funds to provide for replenishment of such fund to its principal amount of \$100,000.

"Officers and employees," as used herein, includes all officers, employees, deputies, assistants, and agents of the City and County of San Francisco acting within the scope of their office, agency or employment; any person duly appointed by the Director of the Department of Public Health to render and rendering service in the conduct of that department within the scope of such appointment, whether or not such person be compensated for the rendition of such service; and any person lawfully rendering volunteer service in the Department of Public Health with the approval of the Director of the Department of Public Health.

"Liability," as used herein, means liability of an officer or employee for injuries or damages resulting from their negligence or carelessness during the

course of their service or employment; for injuries or damages resulting from the dangerous or defective condition of public property due to their alleged negligence or carelessness; and for injuries or damages resulting from false arrest or false imprisonment.

"Public property," as used herein, means public street, highway, bridge, building, park, grounds, works or property; or any vehicle, implement or machinery, whether owned by the City and County of San Francisco, or operated by or under the direction, authority or at the request of any public officer.

No action may be commenced or maintained against the City and County at any time by any person by virtue of any provision hereof.

Section 154 of the San Francisco Health Code and Ordinance No. 9915 (series of 1939) are hereby repealed, and the Controller is authorized and is hereby directed to transfer the balance now in appropriation No. 0.513.815.000 to appropriation No 0.221.815.000 for the purposes hereof. (Amended by Ord. 556-60, App. 12/14/60)

SEC. 10.90. DEPOSITS OF PROCEEDS OF SALE OF CITY/COUNTY-OWNED PERSONAL PROPERTY IN STORES REVOLVING FUND. All moneys received from the sale of City/County-owned personal property, pursuant to the provisions of Section 7. 100 of the Charter, shall be deposited as nonrevenue receipts to the credit of the respective departments, divisions or bureaus having jurisdiction or control over the personal property sold.

The moneys deposited, as provided in this Section, shall be credited to the stores' revolving fund of the respective departments, divisions or bureaus; provided, the moneys are the returns from the sale of personal property which was a part of the resources of the stores' revolving fund.

The current appropriations for materials and supplies of the respective departments, divisions or bureaus shall be debited for all amounts representing the unrecovered value of the resources of the respective stores' revolving fund which have been disposed of by sale or other disposition. Any excess receipts of each sale, over and above the book value of the items sold or disposed of, shall be credited to the unappropriated balance of funds of the proper departments, divisions or bureaus. (Ord. No. 5351 (1939), Sec. 1)

SEC. 10.91. COMMUNITY REDEVELOPMENT FUND. The Treasurer is hereby authorized to create a public trust fund to be known as the Community Redevelopment Fund to consist of such moneys as may be legally authorized to be accepted by the Redevelopment Agency for redevelopment purposes and are not required by law to be deposited in any other fund

The procedure for administering the Community Redevelopment Fund shall conform to the provisions of the Charter and the annual appropriation ordinances of the City and County.

All expenditures from the fund shall be subject to the approval of the Redevelopment Agency of the City and County and shall be made exclusively for the purposes for which the moneys were received.

The Controller shall maintain separate accounting records for such Community Redevelopment Fund. All disbursements from the fund shall be made by Controller's warrant. (Res. No. 16107 (1939))

SEC. 10.92. SPECIAL AVIATION FUND. The Board of Supervisors, pursuant to the provisions of Chapter 1465, California Statutes of 1949, which provides for the apportionment to counties of unrefunded tax on motor vehicle fuel which is used or usable in aircraft, hereby created in the treasury of the City and County the Special Aviation Fund, in which fund shall be deposited all moneys received from the State pursuant to the provisions of such Chapter 1465.

There may also be deposited in such fund other moneys which are to be disbursed only for capital outlays for aviation or airport purposes.

Any money in the Special Aviation Fund may be disbursed only in accordance with the provisions of the law under which it was deposited in that fund.

A certified copy of this resolution shall be filed with the office of the Controller of the State. (Res. No. 9382 (1939))

SEC. 10.93. FUNDS FROM VETERANS' ADMINISTRATION — AUTHORITY TO ACCEPT. The Controller is hereby authorized and directed to accept warrants issued by the Administrator of Veterans' Affairs of the Veterans' Administration drawn in favor of the City and County on the treasury of the United States; and to deposit the funds from such warrants in a special account. The funds shall be used exclusively for the purposes of paying to vendors who have been authorized by the Veterans' Administration to furnish equipment to trainees in City and County employment and who have actually furnished such equipment to such trainees and to reimburse any employee eligible for benefits under the training program to the extent that the Veterans' Administration has authorized such payment. (Ord. No. 4559 (1939), Sec. 1)

SEC. 10.94. FUNDS FROM VETERANS' ADMINISTRATION — LIABILITY OF CITY. The City and County shall not be liable when acting as disburser of Veterans' Administration funds in rendering aid to the trainee, either directly or indirectly as reimbursement, or by payment to the vendor for equipment furnished, or otherwise. No claim made by any vendor or trainee against the City and County based upon equipment furnished through the trainor-trainee program of Public Law No. 346 shall ever be valid against the City and County or any of its officers. (Ord. No. 4559 (1939), Sec. 2)

SEC. 10.95. MUNICIPAL RAILWAY EXCESS LIABILITY ACCIDENT RESERVE FUND — CREATED; AMOUNT. There is hereby created for the Municipal Railway an Excess Liability Accident Reserve Fund within the Municipal Railway Operating Fund to provide for the payment of bodily injury, death and property damage liability in excess of \$37,500 in any one accident. (Amended by Ord. 524-60, App. 11/9/60)

SEC. 10.96. MUNICIPAL RAILWAY EXCESS LIABILITY ACCIDENT RESERVE FUND — PAYMENTS INTO FUND. The Reserve Fund created by the preceding section shall consist of such sums as may be appropriated from time to time for the purpose, plus any unencumbered balance which at the end of any fiscal year may remain in the appropriation for the payment of accident

liability in amounts of less than \$37,500 in any one accident; provided, however, that at no time shall the amount of money in the Excess Liability Accident Reserve Fund exceed \$500,000. (Amended by Ord. 524-60, App. 11/9/60)

SEC.10.97. MUNICIPAL RAILWAY CAPITAL RESERVE FUND.

There is hereby established a special fund, to be known as the Municipal Railway Capital Reserve Fund, for the purpose of receiving all monies generated under any Agreement intended to come within the provisions of Section 168 of the Internal Revenue Code "Section 168 Agreement") and/or any related Agreement with San Francisco Municipal Railway Improvement Corporation intended to facilitate a Section 168 Agreement, and for the further purpose of receiving such other monies as may from time to time be designated by the Board of Supervisors. All amounts appropriated to the Municipal Railway Capital Reserve Fund shall bear interest at the same rate as funds in the treasury of the City and County of San Francisco which are not appropriated to the Municipal Railway Capital Reserve Fund.

All revenues to be received from San Francisco Municipal Railway Improvement Corporation in connection with any Agreement facilitating a Section 168 Agreement, and all revenues to be received under any Section 168 Agreement shall upon receipt be deemed, and hereby are appropriated to the Municipal Railway Capital Reserve Fund.

Any disbursements necessary to make indemnity payments required under any Section 168 Agreement, and any disbursements necessary to reacquire clear title to any mass commuting vehicle, and to effectuate a release of any security interest established under any Agreement entered into with San Francisco Municipal Railway Improvement Corporation facilitating a Section 168 Agreement, and any disbursements necessary to pay fees for legal counsel, financial consultants, and other services incidental to the execution of such Agreements are, to the extent that Municipal Railway Capital Reserve Fund contains sufficient funds therefor, hereby appropriated for such purposes, authorized and approved. All other funds in the Municipal Railway Capital Reserve Fund, principal and interest alike, shall, subject to the fiscal and budgetary provisions of the Charter, be expended for capital purposes of the Municipal Railway. (Added by Ord. 598-83, App. 12/16/83)

SEC. 10.100. WAR MEMORIAL RESERVE. (a) **Created; Purpose.** There is hereby created a reserve to be known as the War Memorial Reserve for the purpose of providing funds for necessary improvements, additions and reconstruction and replacements due to physical and functional depreciation, to the buildings under the jurisdiction of the War Memorial as provided in Section 27.3 of the San Francisco Administrative Code

(b) **Appropriation of 15 Percent of Revenues.** There shall be appropriated out of the revenues derived from the use of the buildings under the jurisdiction of the War Memorial an amount equal to 15 percent of the annual revenues.

(c) **Payments into Fund; Use.** The 15 percent of revenues shall be paid into the War Memorial Reserve and shall be used exclusively for the purposes recited in subsection (a) and the Board of Trustees of the War Memorial shall have full power and authority to determine the character and the nature of the improvements, additions and reconstruction and replacements due to physical and functional depreciation to be made from the reserve.

(d) **Balances in Fund.** Balances remaining in the War Memorial Reserve at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the reserve for the purposes recited in Subsection (a), provided, that in no event shall the total amount in the reserve exceed \$500,000. (Amended by Ord. 57-82, App. 2/11/82)

SEC. 10.101. SAN FRANCISCO WAR MEMORIAL MAINTENANCE AND CAPITAL IMPROVEMENT FUND — ESTABLISHMENT OF. (a) All gifts, donations and contributions of money which may from time to time be received by the Board of Trustees of the San Francisco War Memorial are hereby accepted for such purposes and when received shall be deposited in the treasury of the City and County of San Francisco in a special fund to be known as the "San Francisco War Memorial Maintenance and Capital Improvement Fund," a public trust.

(b) All expenditures from such fund shall be for maintenance, modernizations, additions and betterments of the San Francisco War Memorial and any expenditures shall require the authorization and approval of the Board of Trustees of the San Francisco War Memorial and subject to procurement procedure as prescribed by the Controller and also Purchaser of Supplies.

(c) Balances remaining in such fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose and shall be carried forward and accumulated in such fund for the purposes recited herein. (Amended by Ord. 57-82, App. 2/11/82)

SEC. 10.102. WAR MEMORIAL SPECIAL FUND. (a) There is hereby created a special fund for the War Memorial to be used solely to defray the costs of maintaining, operating and caring for the War Memorial buildings and grounds as described in Section 27.3 of the San Francisco Administrative Code.

(b) The funds appropriated to the Board of Trustees of the War Memorial pursuant to Section 515(5) of Part III, Article 7 of the San Francisco Municipal Code (hotel tax) shall be deposited in the War Memorial Special Fund.

(c) Revenues derived from the use of the buildings under the jurisdiction of the War Memorial which are not appropriated to the War Memorial Reserve shall be appropriated to and deposited in the War Memorial Special Fund.

(d) In lieu of other General Fund support for the War Memorial, monies deposited in the War Memorial Special Fund shall be appropriated in accordance with the budgetary and fiscal provisions of the Charter exclusively for the purposes recited in Subsection (a) above. Any unexpended balances remaining in the War Memorial Special Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter of the City and County of San Francisco, and shall be carried forward and accumulated in the fund for the purposes recited herein. (Amended by Ord. 57-82, App. 2/11/82)

SEC. 10.103. WAR MEMORIAL RESERVE — BALANCES IN FUND. Balances remaining in the War Memorial Reserve at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning

of Section 6.306 of the Charter and shall be carried forward and accumulated in the reserve for the purposes recited in Section 10.100 of this Code; provided, that in no event shall the total amount in the reserve exceed \$25,000. (Ord. No. 125 (1939), Sec. 4)

SEC. 10.104. OLD GOLD TRUST FUND — CREATED; DEPOSITS IN FUND. There is hereby created an Old Gold Trust Fund, to consist of all moneys that may be received from the sale of old gold and jewelry representing unclaimed property of persons having died in the San Francisco Hospital or the Laguna Honda Home, and which property was disposed of in accordance with provisions of Section 2602 of the Welfare and Institutions Code of the State of California. (Ord. No. 1901 (1939), Sec. 1)

SEC. 10.105. OLD GOLD TRUST FUND — USE OF MONEYS IN FUND. The Old Gold Trust Fund shall be used exclusively for such things as may be for the general welfare of the inmates of the Laguna Honda Home and which are not provided for them by other appropriations. (Ord. No. 1901 (1939), Sec. 2)

SEC. 10.106. OLD GOLD TRUST FUND — ADMINISTRATION OF AND EXPENDITURES FROM FUND. The procedure of administering the Old Gold Trust Fund shall conform to provisions of the Charter, the annual appropriation ordinances and the procurement procedure prescribed jointly by the Purchaser of Supplies and the Controller. All expenditures from the fund shall be made upon the recommendation of the Superintendent of the Laguna Honda Home, subject to the approval of the Director of Public Health and the Health Commission. (Amended by Ord. 267-85, App. 5/30/85)

SEC. 10.107. ACCEPTANCE FOR INFANTILE PARALYSIS CASES; SPECIAL FUND CREATED. All gifts, donations and contributions of money which may from time to time be offered to the City and County through any of its officers, boards or commissions for the care and control of infantile paralysis cases are hereby accepted for such purposes and when received shall be deposited in the treasury of the City and County in a special fund to be known as "Infantile Paralysis Fund," a public trust. All expenditures from the fund shall be made for the purposes for which such funds have been received and in accordance with the budget and other fiscal provisions of the Charter, upon authorization of the Health Commission. (Amended by Ord. 267-85, App. 5/30/85)

SEC. 10.108. ACCEPTANCE FOR LOG CABIN RANCH SCHOOL FOR BOYS; SPECIAL FUND CREATED. All gifts, donations and contributions of money or kind which may from time to time be offered to the City and County through any of its officers, boards and commissions for the general benefit and welfare of students of the Log Cabin Ranch School For Boys are hereby accepted for such purposes and any money received shall be deposited in the treasury of the City and County in a special fund to be known as the "Log Cabin Ranch Welfare Fund," a public trust.

All expenditures from such fund shall be made for the purposes for which such funds have been received, and in accordance with the budget and other fiscal provisions of the Charter. (Ord. No. 10517 (1939), Sec. 1)

SEC. 10.109-2. GOLDEN GATE PARK CENTENNIAL FUND. There is hereby established a special fund for the purpose of receiving all gifts, donations and contributions of money, property and personal services which may be offered to the City and County of San Francisco through the Recreation and Park Commission for use by the Recreation and Park Commission for purposes of the 1970 Centennial of Golden Gate Park. Said special fund shall be known as the "Golden Gate Park Centennial Fund."

All gifts, donations and contributions of money, property and personal services which may from time to time be offered to the City and County of San Francisco through its Recreation and Park Commission are hereby accepted for such purposes. Expenditures from this fund shall be authorized by the President of the Recreation and Park Commission and the General Manager of the Recreation and Park Department.

Upon completion of the Centennial Year, all funds remaining in the "Golden Gate Park Centennial Fund" shall be expended for the benefit and development of Golden Gate Park. (Added by Ord. 20-70, App. 2/10/70)

SEC. 10.109-3. PROTOCOL AND HOST FUND. There is hereby established a special fund for the purpose of receiving all gifts, donations and contributions of money, property and personal services which may be offered to the City and County of San Francisco through the Office of the Mayor for protocol and host purposes beneficial to the City and County of San Francisco. Said special fund shall be known as the "Protocol and Host Fund."

All gifts, donations and contributions of money, property and personal services which may from time to time be offered to the City and County of San Francisco for protocol and host purposes are hereby accepted for such purposes.

Money, property and personal services comprising the Protocol and Host Fund shall be utilized for those purposes beneficial to the City and County of San Francisco which are in the nature of protocol and/or host expenditures and all such expenditures shall be authorized or ratified by the Mayor. (Added by Ord. 294-78, App. 6/23/78)

SEC. 10.109-4. CABLE CAR SYSTEM FUND. (a) There is hereby established a special fund pursuant to Section 10.80 of this Code for the purpose of receiving all gifts, donations and contributions of money and property which may be offered to the City and County of San Francisco through the Public Utilities Commission for maintenance and improvement of the Cable Car System, to be known as the "Cable Car System Fund," a public trust.

(b) All gifts, donations and contributions of money and property to be converted into money, which may from time to time be offered to the City and County of San Francisco for deposit in said fund, are hereby accepted and shall be expended for the following specific purposes unless otherwise required by particular gifts:

- (1) Reconstruction of the Cable Car Rail System right-of-way;

(2) Reconstruction of the Cable Car Barn at Washington and Mason streets; and

(3) Such other efforts as may be deemed appropriate to maintain, preserve, and protect or assist in maintaining, preserving, and protecting the several cable car lines and cable cars presently existing, provided, however that:

A. Items (1) and (2) above have been fully implemented and certified as complete per plans and specifications approved by the San Francisco Public Utilities Commission or the Urban Mass Transit Administration of the U.S. Department of Transportation; and

B. Then, not for six months after the resumption of complete cable car service is restored, at which time the appropriate cable car operations governing authority certifies that the reconstruction is completely operational and in no further need of modification to accomplish the objectives of (1) and (2) above.

(c) Interest earned from the Cable Car System Fund shall become part of the principal and shall not be drawn from the fund for any purpose other than that for which the Cable Car System Fund is established.

(d) Proceeds from the sale of cable car bells and such other merchandise as may be licensed by the Public Utilities Commission as official cable car souvenirs and promotional items shall be deposited in the Cable Car System Fund and the expenditure of such proceeds shall be governed by paragraph (b), above. (Added by Ord. 227-80, App. 5/23/80)

SEC. 10.109-5. SISTER-CITY COMMITTEE FUND: ESTABLISHMENT OF FUND; ACCEPTANCE OF GIFTS; AUTHORIZATION TO EXPEND; AND ACCRUAL OF MONIES IN FUND. (a) **Establishment of Fund.** There is hereby established a special fund in the treasury of the City and County of San Francisco to be known as the Sister-City Committee Fund for the purpose of receiving all donations of money, property and personal services which may be offered to the City and County of San Francisco through the Office of the Mayor for the use and benefit of the City and County's Sister-City Committees. Deposits in the fund shall be credited to an account in the name of the specific Sister-City Committee designated by the donor.

(b) **Acceptance of Gifts.** All donations of money, property and personal services which may from time to time be offered to the City and County of San Francisco for the use and benefit of the City's Sister-City Committees are hereby accepted for such purpose.

(c) **Authorization to Expend.** Money, property and personal services comprising the Sister-City Fund shall be utilized for Sister-City Committee purposes and all such expenditures shall be authorized or ratified by the Mayor.

(d) **Accrual of Monies in Fund.** Any unexpended balances remaining in the Sister-City Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the fund for the purposes recited herein. (Added by Ord. 511-81, App. 10/22/81)

SEC. 10.109-6. SAN FRANCISCO CONVENTION PROMOTION AND SERVICES FUND: ESTABLISHMENT OF FUND; ACCEPTANCE OF GIFTS; AUTHORIZATION TO EXPEND; AND ACCRUAL OF MONIES IN

FUND. A. Establishment of Fund. There is hereby established a special fund in the Treasury of the City and County of San Francisco to be known as the San Francisco Convention Promotion and Services Fund (Convention Fund) for the purpose of receiving all donations of money, property and personal services which may be offered to the City and County of San Francisco through the Office of the Mayor for the use and benefit of the City to promote and to provide services to conventions within the City and County of San Francisco.

B. Acceptance of Gifts. All donations of money, property and personal services which may from time to time be offered to the City and County of San Francisco Convention Fund are hereby accepted for such purposes.

C. Authorization to Expend. Expenditures from the Convention Fund shall be for the following purposes: (1) provide for improvements to convention facilities and (2) provide services to convention sponsors. The Mayor and Chief Administrative Officer shall approve said expenditures. The Fund shall be deemed appropriated pursuant to law.

D. Interest. Interest earned from the Convention Fund shall become part of the principal and shall not be drawn from the fund for any purpose other than that for which the Convention Fund is established.

E. Accrual of Monies in Fund. Any unexpended balances remaining in the Convention Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the Convention Fund for the purposes recited herein.

F. Any existing City and County of San Francisco affirmative action programs apply specifically to this ordinance. (Added by Ord. 421-83, App. 8/18/83)

SEC. 10.109-7. PUBLIC UTILITIES AWARDS FUND: ESTABLISHMENT OF FUND; ACCEPTANCE OF GIFTS; AUTHORIZATION TO EXPEND; INTEREST; AND ACCURAL OF MONIES IN FUND. (a) **Establishment of Fund.** There is hereby established a special fund in the treasury of the City and County of San Francisco to be known as the Public Utilities Commission Awards Fund for the purpose of receiving all donations of money, property and personal services which may be offered to the City and County of San Francisco through the Public Utilities Commission for the use and benefit of the Public Utilities Commission Awards Fund.

(b) **Acceptance of Gifts.** All donations of money, property and personal services which may from time to time be offered to the City and County of San Francisco for the use and benefit of the Public Utilities Commission Awards Fund are hereby accepted for such purpose.

(c) **Authorization to Expend.** Money, property and personal services comprising the Public Utilities Commission Awards Fund shall be used and expended for such purposes as will, determined in the sole discretion of the General Manager of Public Utilities, enhance morale and performance of employees in departments and bureaus under the Public Utilities Commission.

(d) **Interest.** Interest earned from the Public Utilities Commission Awards Fund shall become part of the principal and shall not be drawn from the fund for any purpose other than that for which the fund is established.

(e) **Accrual of Monies in Fund.** Any unexpended balances remaining in the Public Utilities Commission Awards Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the fund for the purposes recited herein. (Added by Ord. 311-85, App. 6/20/85)

SEC. 10.109-8. DEPARTMENT OF PUBLIC WORKS AWARDS FUND; ESTABLISHMENT OF FUND; ACCEPTANCE OF GIFTS; AUTHORIZATION TO EXPEND; INTEREST; AND ACCRUAL OF MONIES IN FUND. (a) **Establishment of Fund.** There is hereby established a special fund in the treasury of the City and County of San Francisco to be known as the Department of Public Works Awards Fund for the purpose of receiving all donations of money, property and personal services which may be offered to the City and County of San Francisco through the Department of Public Works for the use and benefit of the Department of Public Works Awards Program.

(b) **Acceptance of Gifts.** All donations of money, property and personal services which may from time to time be offered to the City and County of San Francisco for the use and benefit of the Department of Public Works Awards Program are hereby accepted for such purposes.

(c) **Authorization to Expend.** Money, property and personal services comprising the Department of Public Works Fund shall be used and expended solely for purposes of the Department of Public Works Awards Program and all such expenditures shall be authorized by the Director of Public Works.

(d) **Interest.** Interest earned from the Department of Public Works Awards Fund shall become part of the principal and shall not be drawn from the fund for any purpose other than that for which the fund is established.

(e) **Accrual of Monies in Fund.** Any unexpended balances remaining in the Department of Public Works Awards Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the fund for the purposes recited herein. (Added by Ord. 425-86, App. 10/31/85)

SEC. 10.110. SAN FRANCISCO GENERAL HOSPITAL; LAGUNA HONDA HOSPITAL; ACCEPTANCE OF GIFTS, SPECIAL FUNDS CREATED. All gifts, donations and contributions of money or personal property of less than \$5,000 in value or amount, which may from time to time be received by the City and County through the Health Commission to be used for the general benefit and comfort of patients of either the San Francisco General Hospital or the Laguna Honda Hospital without expense other than what may be necessary for proper maintenance, are hereby accepted exclusively for such purposes.

All cash received and accepted hereunder for the general benefit and comfort of patients of the San Francisco General Hospital shall be deposited in the treasury of the City and County in a special fund to be known as the "San Francisco General Hospital Gift Fund," a public trust, and all cash received and accepted hereunder, for the general benefit and comfort of patients of the Laguna Honda Hospital shall be deposited in the treasury of the City and County in a special fund to be known as

the "Laguna Honda Hospital Gift Fund," a public trust. All expenditures from either of said funds shall be made for the purposes for which received and in accordance with the budget and fiscal provisions of the Charter.

As to all other forms of gifts or contributions received and accepted hereunder, the Health Commission shall promptly give written notice thereof to the Purchaser of Supplies who shall inventory the same and provide the Controller with a copy of such inventory. (Amended by Ord. 267-85, App. 5/30/85)

SEC. 10.110-1. DEPARTMENT OF PUBLIC HEALTH; ACCEPTANCE OF GIFTS. There is hereby established a special fund created for methadone treatment for the purpose of receiving all gifts, donations and contributions of money, property and personal services which may be offered to the City and County of San Francisco through the Department of Public Health for use by the Department of Public Health for purposes of methadone treatment. Said special fund shall be known as the "Department of Public Health Methadone Treatment Fund."

All gifts, donations and contributions of money, property and personal services which may from time to time be offered to the City and County of San Francisco through its Department of Public Health are hereby accepted for such purposes. Expenditures from this fund shall be authorized by the Chief Administrative Officer and the Director of Public Health. (Amended by Ord. 267-85, App. 5/30/85)

SEC. 10.111. DEPARTMENT OF PUBLIC HEALTH — ESTABLISHMENT OF WORKSHOP; SALE OF MERCHANDISE; DISPOSITION OF SALE PROCEEDS. There is hereby established the Laguna Honda Home Workshop for the manufacture of baskets, rugs and other merchandise to be made by the inmates of the Laguna Honda Home. Authorization is hereby granted to the Director of Public Health for the sale of such baskets, rugs and other merchandise. Any and all moneys received from the sale of such articles or merchandise shall be deposited in the treasury in accordance with Charter provisions. (Ord. No. 2565 (1939), Sec. 1)

SEC. 10.112. DEPARTMENT OF PUBLIC HEALTH — PURCHASES FOR WORKSHOP; EMPLOYMENT AND PAY OF INMATES. The Superintendent of Laguna Honda Home may, under procedure established by the Purchaser of Supplies as to purchases and sales, and in accordance with fiscal procedures established by the Controller and rules and regulations of the Civil Service Commission governing employments, purchase contractual services, materials and equipment for the Laguna Honda Home workshop and employ and pay inmates for services rendered therein and dispose of the products of the shop. (Ord. No. 2565 (1939), Sec. 3)

SEC. 10.113. DEPARTMENT OF PUBLIC HEALTH — LAGUNA HONDA HOME WORKSHOP FUND — CREATED; DEPOSIT OF MON- EYS. There is hereby created the Laguna Honda Home Workshop Fund to consist

of \$3,843.63 now held in trust by the Superintendent of Laguna Honda Home and all other moneys that may be received hereafter from the sale of products manufactured in the workshop. (Ord. No. 2565 (1939), Sec. 2)

SEC. 10.114. DEPARTMENT OF PUBLIC HEALTH — USE OF MON- EYS IN FUND. The Workshop Fund shall be used for:

- (a) Payment of salaries to inmates working in the shop;
- (b) Contractual services, materials and supplies and equipment for the shop; and
- (c) Such things as may be for the general welfare of the inmates of Laguna Honda Home which are not provided for them by other appropriations, when such expenditures are approved by the Director of Public Health. (Ord. No. 2565 (1939), Sec. 4)

SEC. 10.114-1. DEPARTMENT OF PUBLIC HEALTH — LAGUNA HONDA HOME TRUST FUND. (a) **Established.** There shall be established in the treasury of the City and County a special fund to be known and designated as the Laguna Honda Home Trust Fund, into which shall be placed deposits made by patients at Laguna Honda Home.

(b) **Deposits and Withdrawals.** Any patient at Laguna Honda Home may deposit in this trust fund any money received by and belonging to him or her, and may, except as herein otherwise provided, withdraw such deposits as needed for his or her personal incidental expenses or other purposes; provided, however, that every patient who is obligated to pay for his or her care as determined under the provisions of Section 151.1 of Article 3, Chapter V, Part II of the San Francisco Municipal Code, shall deposit monthly in the trust fund an amount not less than the sum so set for monthly repayment by him or her to Laguna Honda Home for the cost of such care. Any money deposited to the account of such patient in excess of the amount to be so paid for care may be withdrawn by the depositor at any time, for personal incidental needs or otherwise. At the end of such month, the amount to be paid to Laguna Honda Home for the patient's care shall be transferred from the trust fund and credited to Laguna Honda Home; and the patient's trust fund account shall be so charged.

(c) **Refunds.** Upon discharge or withdrawal of a patient from Laguna Honda Home, any unearned portion of the monthly charge for institutional care will be refunded to the patient, together with any and all other amounts on deposit in his or her name in the trust fund.

(d) **Revolving Fund.** For the purpose of facilitating the withdrawal of moneys belonging to the patients, the Superintendent of Laguna Honda Home may maintain, as a part of the trust fund, a revolving fund in such amount as shall be authorized by the Health Commission with the concurrence of the Controller. Such revolving fund may be maintained in cash at the office of Laguna Honda Home or may be deposited in such bank or banks as the Superintendent of Laguna Honda Home may direct.

(e) **Records, etc., to be Kept.** The Superintendent of Laguna Honda Home shall cause full, true and correct records to be maintained currently regarding the receipt and disbursement of all moneys belonging to any such patients on deposit in the Laguna Honda Home Trust Fund, and for that purpose shall maintain individual accounts for each such patient.

(f) **Controller to Prescribe Accounting Methods.** Pursuant to Section 3.301 of the Charter, the Controller shall prescribe the manner in which such accounts shall be kept and the manner in which reports and accounts regarding the receipt and disbursement of the patient's money shall be rendered to the Controller. (Amended by Ord. 267-85, App. 5/30/85)

SEC. 10.115. ACHENBACH GIFT. The City and County accepts from Moore S. and Hazel J. Achenbach the gift of a collection of etchings, engravings, lithographs and other forms of graphic art and drawings, consisting of approximately 75,000 works of art. Such collection shall be placed in suitable quarters in the buildings maintained by the California Palace of the Legion of Honor and shall remain in the custody, management, supervision and operation of and by the California Palace of the Legion of Honor. Portions of the collection shall be on exhibition for the inspection of the public during all times that the main building of the California Palace of the Legion of Honor is open.

In accepting the gift, provision will be made for the California Palace of the Legion of Honor to engage a curator and assistant curators for the collection, subject to the conditions herein elsewhere set forth, who shall be persons experienced in the collection and exhibition of graphic arts. They need not be residents of City and County, nor be subject to the civil service provisions of the Charter of the City and County. Their duty shall be to supervise the maintenance of the collection and designate the times when and the portions thereof to be placed on exhibition. Such other assistant curators shall be provided by the California Palace of the Legion of Honor for the proper maintenance, management, supervision, operation and storage of the collection.

In the event that the California Palace of the Legion of Honor should at any time fail to carry out the intent and conditions under which the gift is made, the objects of art shall revert to and become the property of the donors or the survivor, or in the event of their death, of such corporation, association or individual as the donors may designate, either in their joint wills or in the will of the survivor as between them, or in a joint declaration of trust that may be made during the lifetime of the donors, or in a declaration of trust that may be made by the survivor as between the donors. For the purposes of carrying out the intent of this Section, the Mayor is hereby authorized to enter into a contract with Moore S. and Hazel J. Achenbach and execute any and all other papers or documents required for its accomplishment.

The collection shall be known and referred to at all times as the Achenbach Foundation For Graphic Arts.

The provisions of this Section shall be subject to the budget and fiscal provisions of the Charter of the City and County. (Res. No. 10629 (1939))

SEC. 10.116. ACCEPTANCE OF GIFTS TO CITY AND COUNTY NOT TO EXCEED FIVE THOUSAND DOLLARS. The Board of Supervisors does hereby authorize department heads to accept any gift of cash in an amount not to exceed \$5,000, or goods of market value not to exceed \$5,000, which may from time to time be offered to the City and County of San Francisco through any department, board or commission thereof, for the benefit of the designated department, board or commission and for such purposes within its prescribed legal jurisdiction as may

be specified by the donors. The Board of Supervisors does hereby authorize said departments, boards and commissions to receive and to administer such gifts in accordance with the wishes of the donors. (Amended by Ord. 15381, App. 4/3/81)

SEC. 10.116-1. ACCEPTANCE OF GIFTS TO CITY AND COUNTY NOT TO EXCEED FIVE THOUSAND DOLLARS — CASH GIFTS DEPOSITED WITH TREASURER. All such cash gifts when received shall be deposited with the Treasurer of the City and County of San Francisco in accounts to be designated by the Controller. All disbursements from such accounts shall be made for the respective purposes, if any, specified by the donors, and in accordance with disbursing procedure as prescribed by the Controller. (Added by Ord. 392-59, App. 7/8/59; codified as Ord. 193-74, App. 4/18/74)

SEC. 10.116-2. ACCEPTANCE OF GIFTS TO CITY AND COUNTY NOT TO EXCEED FIVE THOUSAND DOLLARS — NON-CASH GIFTS. All such gifts other than cash, when received, shall be promptly and in writing reported by the department head to the Purchaser of Supplies who shall inventory the gifts if required and provide the Controller with a copy of such inventory. (Added by Ord. 392-59, App. 7/8/59; codified as Ord. 193-74, App. 4/18/74)

SEC. 10.116-3. ACCEPTANCE OF GIFTS TO CITY AND COUNTY NOT TO EXCEED FIVE THOUSAND DOLLARS — REPORTS. Each department, board and commission accepting gifts authorized hereunder shall furnish to the Board of Supervisors annually within the first two weeks of July a report showing such gifts received, the nature or amount of said gifts, and the disposition thereof. (Added by Ord. 392-59, App. 7/8/59; codified as Ord. 193-74, App. 4/18/74)

SEC. 10.116-4. ACCEPTANCE OF GIFTS, DEVISES AND BEQUESTS BY THE FINE ARTS MUSEUMS OF SAN FRANCISCO. The Board of Trustees of the Fine Arts Museums of San Francisco is hereby authorized to accept gifts, devises and bequests of objects of art or other articles to the M. H. de Young Memorial Museum, the California Palace of the Legion of Honor or the Fine Arts Museums solely for exhibition purposes when the acceptance of the same entails no expense on the part of the board beyond the ordinary care and maintenance of such objects of art or other articles.

All gifts, devises and bequests of objects of art or other articles heretofore made to the aforesaid museums which entail no expense beyond the ordinary care and maintenance thereof for exhibition purposes are hereby accepted for the purposes for which they have been given.

Nothing in this Section shall be considered to approve or ratify the acceptance in the past or in the future of any gift, devise or bequest made to the aforesaid museums, the administration of which gifts, devises or bequests entails any expense beyond the care and maintenance of the objects of such gifts, devises or bequests for exhibition purposes. (Amended by Ord. 295-74, App. 6/12/74)

SEC. 10.116-5. PROJECT SAFE FUND. All cash gifts, donations and contributions of money that may from time to time be offered to the Police

Department for "Project San Francisco SAFE" are hereby accepted for such purpose and when received shall be deposited in the treasury of the City and County in a special fund to be known as the "Project SAFE Fund."

All expenditures shall be made upon recommendation of the Police Commission and in accordance with the budget and other fiscal provisions of the Charter. (Added by Ord. 305-80, App. 6/27/80)

SEC. 10.117. ACCEPTANCE FOR LITTER CONTROL; SPECIAL FUND CREATED. All cash gifts, donations and contributions of money that may from time to time be offered to the City and County through any of its officers, boards or commissions for litter control are hereby accepted for such purpose and when received shall be deposited in the treasury of the City and County in a special fund to be known as the "Litter Control Fund," a public trust.

All expenditures shall be made upon the recommendation of the Director of Public Works, subject to the approval of the Chief Administrative Officer and in accordance with the budget and other fiscal provisions of the Charter. (Added by Ord. 268-61, App. 9/27/61)

SEC. 10.117-1. ART COMMISSION: ESTABLISHMENT OF SPECIAL FUNDS FOR THE ARTS GENERALLY AND FOR PUBLIC ART MEDIA. (a) **Public Arts Fund.** All revenue from programs and events which are under the supervision and control of the Art Commission shall be credited to a special fund to be known as the Public Arts Fund. The monies in said special fund are hereby appropriated exclusively for the purpose of conducting arts programs and events, the character and nature of which shall be determined by the Art Commission.

The Art Commission shall, on or before February 1, 1983, and thereafter on or before February 1st, annually, submit in writing to the Board of Supervisors and to its Finance Committee, a report showing the total revenue credited to said special fund to and including the date of said report and a description of the programs and events for which the revenue credited to said special fund is to be expended.

(b) **Public Art Media Fund.** The proceeds from the sale, exchange or exhibition of a work of art under the jurisdiction of the Art Commission as provided for in Section 1.16 of the San Francisco Administrative Code, or from the licensing of the making of a reproduction or adaptation thereof, shall be credited to a special fund to be known as the public art media fund. The monies in said special fund are hereby appropriated exclusively for the purpose of acquiring or maintaining one or more other works of art for the same public structure or purpose for which the original work of art was acquired.

(c) **Accrual of Monies in the Foregoing Funds.** Balances remaining in the public art media funds at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purposes recited herein; except that any amount in excess of \$500,000 shall, subject to the review of the Controller, be placed in the General Fund. (Amended by Ord. 419-82, App. 8/20/82)

SEC. 10.117-2. ADULT PROBATION REVOLVING FUND FOR TEMPORARY LOAN TO PROBATIONERS UNDER THE SPECIAL SUPERVISION PROGRAM. (a) A \$500 revolving fund for purpose of making temporary loan to probationers under the special supervision program is hereby established. For purpose of facilitating the withdrawal of money, said revolving fund may be maintained in cash at the office of Adult Probation Department or may be deposited in such bank or banks as the Chief Adult Probation Officer may direct.

(b) The Chief Probation Officer shall cause full, true and correct records to be maintained currently regarding the receipt and disbursement of said revolving fund. At the end of each fiscal year, the Chief Probation Officer shall submit to the Controller an accounting of said revolving fund, listing cash on hand or in bank and listing by probationers the amount of temporary loans outstanding at June 30th of each fiscal year. (Added by Ord. 291-68, App. 10/11/68)

SEC. 10.117-3. POLICE OFFICERS' TRAINING FUND. (a) **Established.** There shall be established in the treasury of the City and County a special fund to be known and designated as the "Police Officers' Training Fund" into which shall be deposited all funds, not to exceed \$700,000 in any one fiscal year, allocated by the Commission on Peace Officer Standards and Training to the City and County from the Peace Officers' Training Fund maintained by the State Treasury. Any excess over and above \$700,000 shall be deposited in the General Fund.

(b) **Use of Money in Fund.** The Police Officers' Training Fund shall be used exclusively for the recruitment and training of members of the uniformed force of the Police Department in San Francisco, including but not limited to expenses incurred in the recruitment of qualified officers, purchase of equipment and training aids, expenses incurred in attending seminars, training schools and conferences, expenses incurred in assigning officers on an overtime basis to fill the regular duty assignments of officers being trained and such other expenses as may be incurred in the recruitment and training of members of the Police Department.

(c) **Administration of and Expenditures from Fund.** The procedure of administering the Police Officers' Training Fund shall conform to the provisions of the Charter, the annual appropriation ordinance and the procurement procedure as prescribed by the Controller and the Purchaser of Supplies.

(d) The provisions of this ordinance shall be reviewed annually commencing on the effective date hereof. (Amended by Ord. 56-82, App. 2/11/82)

SEC. 10.117-4. WATER QUALITY IMPROVEMENTS TRUST FUND. There is hereby created a "Special Water Quality Improvement Trust Fund," wherein shall be deposited all federal, state, and other grants, gifts, subventions, or other funds received by the City and County in consequence of or as reimbursement of expenditures of City and County funds on its facilities for sewage treatment and water pollution control. All expenditures from the fund shall be for engineering or technical investigation, construction, reconstruction, modernization, additions and betterments to water pollution control plants, sludge disposal, combined sewers overflow treatment facilities including control systems, and the following items if directly related to the design of water pollution control: engineering equipment, rental of office space, training, technical seminars, conferences and

recruitment. The fund shall not be used for any maintenance or operation expense. All expenditures shall be authorized by the Deputy Director, Wastewater Program, and approved by the Chief Administrative Officer or in accordance with the fiscal provisions of the Charter. (Amended by Ord. 336-79, App. 7/6/79)

SEC. 10.117-5. DRUG ABUSE PREVENTION; ACCEPTANCE OF GIFTS THEREFOR; SPECIAL FUND CREATED. All gifts, donations and contributions of money which may from time to time be received by the City and County through the Police Commission for the purpose of education and prevention of the use of dangerous drugs and narcotics are hereby accepted for such purposes and when received shall be deposited in the treasury of the City and County in a special fund to be known as the "Drug Abuse Prevention Fund," a public trust.

All expenditures from such fund shall be made for the purpose for which such funds have been received in accordance with the budget and other fiscal provisions of the Charter and upon authorization of the Police Commission or the Chief of Police. (Added by Ord. 19-71, App. 1/26/71)

SEC. 10.117-6. ESTABLISHMENT OF AN INFORMATION AND PUBLICATION CONTINUING APPROPRIATION ACCOUNT. There shall be established in the treasury of the City and County of San Francisco a continuing appropriation account to be known and designated as the Information and Publication Account, into which shall be deposited all moneys received by the Recreation and Park Commission for which permission has been granted to any person the right to make moving or still photographic representations of any property under the control of the Recreation and Park Commission. Such moneys received in excess of \$2,500 in any one fiscal year shall be credited to the unappropriated balance of funds, Recreation and Park Commission.

The moneys received into the Information and Publication Account are hereby appropriated for the preparation of printed reports, staff training manuals, informational brochures, maps, purchase of equipment related to the publication of the aforementioned types of materials, promotion of Recreation and Park Commission sponsored programs and events, and other expenses related to the foregoing.

Balances remaining in the account at the close of any fiscal year are deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said account for the purposes recited herein.

Expenditures from the information and publication account shall require the authorization of the General Manager, Recreation and Park Department, and the approval of the Recreation and Park Commission.

The Recreation and Park Commission shall adopt a schedule of fees to be charged for granting the permission stated in the first paragraph of this Section and report such schedule of fees to the Board of Supervisors. (Added by Ord. 26-72, App. 2/10/72)

SEC. 10.117-7. SHERIFF'S DEPUTIES TRAINING FUND. (a)Established. There shall be established in the treasury of the City and County a special

fund to be known and designated as the Sheriff's Deputies Training Fund, into which shall be deposited all funds not to exceed \$200,000 in any one fiscal year, allocated by the Commission On Peace Officer Standards and Training from the Peace Officers Training Fund maintained by the state treasury to the City and County for use of the San Francisco Sheriff's Department, and any excess over and above \$200,000 shall be deposited in the General Fund.

(b) **Use of Money in Fund.** The Sheriff's Deputies Training Fund shall be used exclusively for the recruitment and training of members of the uniformed force of the San Francisco Sheriff's Department including but not limited to expenses incurred in the recruitment of qualified deputies; purchase of equipment and training aids; expenses incurred in attending seminars, training schools, and conferences; expenses incurred in training deputies who are on an overtime basis during training, expenses incurred in assigning deputies on an overtime basis to fill the regular duty assignments of deputies being trained; expenses incurred in hiring temporary deputies to fill the regular duty assignments of deputies being trained; and such other expenses as may be incurred in the recruitment and training of sheriff's deputies.

(c) **Administration of and Expenditures from Fund.** The procedure of administering the Sheriff's Deputies Training Fund shall conform to the provisions of the Charter, the annual appropriation ordinance and the procurement procedure as prescribed by the Controller and the Purchaser of Supplies. (Added by Ord. 154-72, App. 6/9/72)

SEC. 10.117-8. COUNTY JAIL PRISONERS, ACCEPTANCE OF GIFTS THEREFOR; SPECIAL FUND CREATED. All gifts, donations and contributions of money which may from time to time be received by the City and County through the Sheriff for the purpose of aiding the welfare of prisoners confined in the San Francisco City and County jails are hereby accepted for such purposes and when received shall be deposited in the treasury of the City and County in a special fund to be known as the "County Jail Prisoners Welfare Fund," a public trust.

All expenditures from such fund shall be made for the purpose of providing educational, vocational, recreational, medical, dental, and legal supplies, facilities, and equipment and for costs incurred in providing entertainment to consist of lectures, plays, concerts and similar programs, all for the use and benefit of prisoners confined in the San Francisco City and County jails. All expenditures from such fund shall be in accordance with the budget and other fiscal provisions of the Charter and upon authorization of the Sheriff. (Amended by Ord. 156-72, App. 6/9/72)

SEC. 10.117-9. SAN FRANCISCO WAR MEMORIAL MAINTENANCE AND CAPITAL IMPROVEMENT FUND — ESTABLISHMENT OF. All gifts, donations and contributions of money which may from time to time be received by the Board of Trustees of the San Francisco War Memorial are hereby accepted for such purposes and when received shall be deposited in the treasury of the City and County of San Francisco in a special fund to be known as the "San Francisco War Memorial Maintenance and Capital Improvement Fund," a public trust.

All expenditures from such fund shall be for maintenance, modernizations, additions and betterments of the San Francisco War Memorial and any expenditures shall require the authorization and approval of the Board of Trustees of the San Francisco War Memorial and subject to procurement procedure as prescribed by the Controller and Purchaser of Supplies.

Balances remaining in such fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose and shall be carried forward and accumulated in such fund for the purposes recited herein. (Added by Ord. 318-72, App. 11/2/72)

SEC. 10.117-10. TREASURER'S FUND FOR RE-ISSUING CERTAIN FORGED WARRANTS. A \$10,000 revolving fund is hereby established in the treasury of the City and County of San Francisco for the purposes set forth herein. Such fund shall be administered by the Treasurer who shall deposit the monies of such fund in any bank which he or she may deem appropriate. If a warrant issued by the Controller:

At the request of the Department of Social Services for the benefit of a person receiving aid under the Aid To The Totally Disabled; Aid to Families With Dependent Children; Old Age Security; or Aid To The Blind program; or as a payroll warrant to an employee of the City and County of San Francisco; or

As a retirement, or disability, or death benefit warrant to a retired or disabled, employee or beneficiary of a deceased employee; and

Is paid upon forged endorsement, then within seven calendar days after receiving a validly executed Treasurer's affidavit of forgery, the Treasurer shall draw a check upon such fund in favor of the original payee on the forged warrant, in the amount of the forged warrant.

Any funds recovered upon any such forged warrant shall be deposited in such fund. (Added by Ord. 83-73, App. 3/5/73)

SEC. 10.117-11. FEDERAL GRANTS FOR HIGHWAY SAFETY PROJECTS — APPLICATION FOR AND ACCEPTANCE OF. The Board of Supervisors does hereby authorize the Chief Administrative Officer and/or the Director of Public Works or their designated representatives to execute and file applications and to execute all documents required in connection with an offer and acceptance of "Federal Grants For Highway Safety Projected Under The National Traffic And Motor Vehicle Safety Act of 1966." (15 U.S.C. Sec 1381 et seq.) for a study of fixed-object single-vehicle accidents, and the development of electronic data processing of accident and related information. (Res. No. 290-69, App. 4/23/69; codified by Ord. 193-74, App. 4/18/74)

SEC. 10.117-12. SHERIFF'S MANAGEMENT ASSISTANCE FUND. (a) **Established.** There shall be established in the treasury of the City and County of San Francisco a special fund to be known and designated as the "Sheriff's Management Assistance Fund," into which shall be deposited such funds as shall be paid by the Office of the Bureau of Prisons through said office of the Bureau of Prisons' Management Assistance Program, and an equal sum of monies to be allocated from the revenue paid to the City and County of San Francisco pursuant to existing contract for the housing of federal prisoners between the City and County of San Francisco and the United States Federal Marshal.

(b) **Use of Money in Fund.** The Sheriff's Management Assistance Fund shall be used for the upgrading of the jail system in accordance with a list of priorities for the upgrading of the jail agreed upon by the Bureau of Prisons and the Sheriff of the City and County of San Francisco

(c) **Administration and Expenditures from Fund.** The procedure of administering the Sheriff's Management Assistance Fund shall conform to the provisions of the Charter, the annual appropriation ordinance and the procurement procedure as prescribed by the Controller and the Purchaser of Supplies. Balances remaining in such fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose and shall be carried forward and accumulated in such fund for the purposes recited herein. (Added by Ord. 162-74, App. 4/5/74)

SEC. 10.117-13. LIBRARY SPECIAL COLLECTIONS FUND; ESTABLISHMENT; DEPOSITS; EXPENDITURES. There is hereby established a special fund to be known as the "Special Collections Fund of the San Francisco Public Library." All proceeds derived from the sale of books from the Special Collections Department of said Public Library, which duplicate holdings in said Special Collections Department or are not compatible with the collection policy of said Special Collections Department, shall be deposited in said Special Collections Fund. Books selected for such a sale shall be on the recommendation of the City Librarian with the approval of the Library Commission. All proceeds derived from service fees charged for photographic reproduction of materials in the Special Collections Department of said Public Library shall be deposited in said Special Collections Fund. Monies deposited in said Special Collections Fund may, subject to approval by the Library Commission, be used solely for the following purposes:

(a) Expenses incurred in connection with the sale of books from said Special Collections Department as aforesaid;

(b) Purchase of additional books and related ephemera for the Special Collections Department of the Public Library;

(c) Purchase of special equipment and related items for the Special Collections Department of the Public Library deemed necessary to insure proper security and conservation of rare and valuable materials; and

(d) Special fellowships awarded to individuals with expertise in any area of the collections housed in said Special Collections Department of the Public Library.

Any unexpended balance remaining in said Special Collections Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter and shall be carried forward and accumulated in said Special Collections Fund for the purpose recited herein. (Added by Ord. 475-74, App. 10/17/74)

SEC. 10.117-15. MUSEUMS ADMISSION SPECIAL REVENUE FUND; DEFINITIONS; ESTABLISHMENT; DEPOSITS; AND EXPENDITURES. (a) **Definitions.** For the purposes of this section "income" shall mean all proceeds derived from the general admission fees levied by the Board of Trustees of the Fine Arts Museums of San Francisco and the Asian Art Commission minus the expenses necessary for the collection of the general admission fees; and "museums" shall mean the Fine Arts Museums of San Francisco and the Asian Art Museum.

(b) **Establishment of Fund.** There is hereby established a special fund to be known as the Museums Admission Special Revenue Fund.

(c) **Deposits.** All proceeds derived from the general admission fees levied by the Board of Trustees and Commissioners of the museums shall be deposited in the Museums Admission Special Revenue Fund.

(d) **Expenditures.** The first priority for use of monies collected in the Museums Admission Special Revenue Fund shall be the reimbursement of expenses necessary for the collection of the general admission fee. When the Fine Arts Museums of San Francisco have received a cumulative total of \$550,000 in accord with the provisions of Ordinance 364-77, all of the income shall be apportioned between the museums pursuant to agreements between the Board of Trustees of the Fine Arts Museums of San Francisco and the Asian Art Commission.

(e) **Fee Schedule.** The general admissions fee schedule shall be established by the Board of Trustees and the Asian Art Commission jointly, including classes of fees and those exempt from said fees.

(f) **Appropriation.** The monies in the Museums Admission Special Revenue Fund are hereby appropriated for the benefit of the respective museums.

(g) **Specific Purpose.** Balances remaining in the Museums Admission Special Revenue Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter and shall be carried forward and accumulated in said Museums Admission Special Revenue Fund as recited herein. (Amended by Ord. 528-80, App. 11/17/80)

SEC. 10.117-16. SHERIFF'S SPECIAL MAINTENANCE FUND. (a) **Established.** There shall be established in the treasury of the City and County of San Francisco a special fund to be known and designated as the "Sheriff's Special Maintenance Fund."

(1) Into this fund shall be deposited such funds as shall be paid to the City and County by other local jurisdictions (cities and counties) of the State of California for care and maintenance of prisoners of said local jurisdictions in the jails of the City and County of San Francisco;

(2) Into the Sheriff's Special Maintenance Fund shall also be deposited such funds as shall be paid to the City and County by the State Department of Corrections, pursuant to Section 4016 of the California Penal Code.

(b) **Use of Money in Fund.** The Sheriff's Special Maintenance Fund shall be used for the upgrading of the jail system in accordance with a list of priorities for the upgrading of the jail designated by the Sheriff of the City and County of San Francisco.

(c) **Administration and Expenditures from Fund.** The monies in said special fund shall be set aside for the aforesaid purposes and appropriations therefrom shall be made by the Board of Supervisors pursuant to the budget and fiscal provisions of the Charter. Balances in excess of \$100,000, remaining in such fund at the close of any fiscal year, shall be deemed to have been provided for a specific purpose and shall be carried forward and accumulated in such fund for the purposes recited herein. (Added by Ord. 15-76, App. 1/23/76)

SEC. 10.117-17. MEDI-CAL SPECIAL FUND. (a) **Established.** There shall be established in the treasury of the City and County of San Francisco a special

fund to be known and designated as the "Medi-Cal Special Fund." Into this fund shall be deposited such funds as shall be paid to the City and County by the State of California pursuant to the Short-Doyle Medi-Cal program.

(b) **Administration and Expenditures from Fund.** The monies in said special fund shall be set aside for the purposes set forth in the Short-Doyle Act and expenditures therefrom shall be approved by the Health Commission and the Director of Health Care Services. (Amended by Ord. 267-85, App. 5/30/85)

SEC. 10.117-18. CITY ATTORNEY ARBITRATION PANEL INCOME FUND; ESTABLISHMENT; DEPOSITS; EXPENDITURES. There is hereby established a special fund to be known as the "Arbitration Panel Income Fund" of the City Attorney's Office. All proceeds derived from the payment of fees to the City Attorney or his or her deputies for their service as judicial arbitrators pursuant to California Rules of Court shall be deposited in said Arbitration Panel Income Fund.

Monies deposited in said Arbitration Panel Income Fund may, upon the approval of the City Attorney, be expended solely for the following purposes:

(a) Purchases of legal publications, periodicals, journals and related materials; and

(b) Expenses incurred in attending seminars, conferences or other programs conducted exclusively or primarily for the continuing education of members of the State Bar of California.

Balance remaining in the Arbitration Panel Income Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter and shall be carried forward and accumulated in said Arbitration Panel Income Fund for the purposes recited herein. (Added by Ord. 289-79, App. 6/15/79)

SEC. 10.117-19. RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD CERTIFICATION FUND; ESTABLISHMENT; DEPOSITS; EXPENDITURES. There is hereby established a special fund in the Treasury of the City and County of San Francisco to be known as the Rent Board Certification Fund. That portion of the filing fee paid by landlords which covers the services of an independent estimator in connection with the certification of rent increases pursuant to Section 37.7(f)(1) of the San Francisco Administrative Code shall be deposited in said fund.

Monies deposited in said fund shall, upon approval of the Executive Secretary of the Residential Rent Stabilization and Arbitration Board, be expended solely for the following purpose in accordance with Section 37.7(f)(1) of the San Francisco Administrative Code:

1. Hiring estimators to evaluate landlords' capital improvements, rehabilitation work and energy conservation measures.

The balance remaining in the Fund at the close of the year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purposes recited herein. (Amended by Ord. 489-83, App. 10/7/83)

SEC. 10.117-20. ESTABLISHMENT OF DEFERRED PAYMENT OF SETTLEMENT TRUST FUND. There is hereby established in the treasury of the

City and County a special fund to be known and designated as the "Deferred Payment of Settlements Trust Fund" for the purpose of receiving deposits of money in trust and depositing, investing and reinvesting the same as permitted by law and making disbursements therefrom pursuant to agreements for the settlement of claims and litigation which provide for the making of deferred payments pursuant to such agreements. The Treasurer of the City and County shall be the trustee of said trust fund and shall make disbursements therefrom only on warrants drawn by the Controller. Whenever a trust created pursuant to the provisions of a settlement agreement pertaining to a specific claim or litigation is terminated and the settlement agreement provides for the reversion of any unexpended balance in said trust to the City and County, the Controller shall debit the trust in the amount of such unexpended balance and said amount shall be credited by the Controller to the account which was the source of said trust funds. (Added by Ord. 311-80, App. 7/2/80)

SEC. 10.117-21. DOMESTIC VIOLENCE PROGRAM FUND; ESTABLISHMENT; PURPOSE; ACCRUAL; ADMINISTRATION; DISBURSEMENT. (a) **Establishment of Fund.** There is hereby established a special fund in the treasury of the City and County of San Francisco to be known and designated as the "Domestic Violence Program Fund," into which shall be deposited eight dollars of each fee collected by the County Clerk at the time of issuance of any marriage license or at the time of the filing of any certificate of marriage pursuant to Sections 26840.7 and 26840.8 of the Government Code.

(b) **Purpose of Fund.** This fund is created for the purpose of providing basic services to victims of domestic violence and their children and for programs designed to reduce the incidence of domestic violence in the City and County of San Francisco, in accordance with the provisions of Chapter 5 (commencing with Section 18290) of Part 6 of Division 9 of the Welfare and Institutions Code.

(c) **Accrual of Monies in Fund.** Any unexpended balances remaining in said fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purpose recited for a period not to exceed three years. Any monies not used by the City and County for the specific purpose described within the time stated shall be deposited in the General Fund in the State treasury in accordance with Sections 18305 and 18307 of the Welfare and Institutions Code.

(d) **Administration of Program.** The Commission on the Status of Women is hereby designated as coordinator of the Domestic Violence Program and shall be delegated the following responsibilities:

(1) To consult with individuals and groups having expertise in the problems of domestic violence in the operation of domestic violence programs;

(2) To prepare and distribute announcements and requests for grant proposals to existing providers of services to victims of domestic violence;

(3) To review and evaluate grant proposals and requests of private agencies to receive funding under this program;

(4) To hold public hearings;

(5) To recommend appropriate action on such proposals to the Board of Supervisors. and

(6) To monitor the implementation of the program or programs approved by the Board of Supervisors for funding under this program in compliance with the provisions of Section 18290, et seq. of the Welfare and Institutions Code.

(e) **Disbursements.** The monies in said special fund shall be set aside for the aforesaid purposes as provided by the Domestic Violence Act pursuant to Section 18290 et seq. of the Welfare and Institutions Code and disbursements from this special fund shall be made upon recommendation of the Commission on the Status of Women and approval of the Board of Supervisors. The Commission on the Status of Women shall be allocated an amount not to exceed 10 percent of the total amount of said funds for all necessary and reasonable administrative costs incurred in connection therewith. (Added by Ord. 527-80, App. 11/7/80)

SEC. 10.117-22. SPECIAL ALCOHOL PROGRAM TRUST ACCOUNT. There is hereby established a special trust account in the accounts of the Auditor/Controller for the purpose of receiving \$50 from each fine collected from persons convicted of driving under the influence of intoxicating liquor or of reckless driving, or of reckless driving causing bodily injury, as mandated by Sections 23101, 23102, 23103 and 23104 of the Vehicle Code; and Section 1463.16 of the Penal Code, effective January 1, 1981.

Of such amounts received into the fund, five percent shall be paid to the Controller to offset the administrative costs of collection and disbursement of these amounts.

The remainder of the amounts received shall be expended by the Division of Alcohol Programs, Community Substance Abuse Services, of the Department of Public Health, for the purposes set forth in law and in the regulations of the Department of Alcohol and Drug Programs of the State of California. (Added by Ord. 151-81, App. 4/3/81)

SEC. 10.117-23. DOLPHIN CLUB SPECIAL FUND; ESTABLISHMENT; EXPENDITURES. There is hereby established a special fund in the treasury of the City and County of San Francisco to be known and designated as the "Dolphin Club Special Fund," into which shall be deposited all gifts, donations and contributions which may be offered to the City and County for the purposes of constructing, reconstructing, restoring, repairing, or improving the grounds, buildings and/or facilities of the Dolphin Swimming and Boating Club located at Aquatic Park. All expenditures from such fund shall be made by the Controller to the Recreation and Park Department upon request by that department, provided that such request is accompanied by a written statement that the expenditures are solely for the purposes described above. The Recreation and Park Department shall, upon approval of the Recreation and Park Commission, authorize the expenditures of such funds solely for the purposes set forth above. (Added by Ord. 328-81, App. 6/19/81)

SEC. 10.117-24. PUBLIC HEALTH LABORATORY FUND. (a) **Establishment of Fund.** There is hereby established a special fund for the purpose of receiving fees and gifts collected for the benefit of the Public Health Laboratory. Said fund shall be known as the "Special Public Health Laboratory Fund."

(b) **Use of Money in Fund.** Said special fund shall be used solely for the following purposes:

(1) Purchase of required materials for the conduct of laboratory educational programs (manuals, books, audio tapes, audio-visual aids);

(2) Staff development program in support of laboratory activities including travel, tuition, and fees; and

(3) Other expenses incidental to laboratory enhancement including equipment, materials and supplies.

(c) **Administration and Expenditures from Funds.** The monies shall be set aside for the aforementioned purposes and expenditures shall be approved by the Director of Health and the Chief Administrative Officer.

Any unexpended balance remaining in said Special Public Health Laboratory Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter and shall be carried forward and accumulated in said special fund for the purpose recited herein. (Added by Ord. 395-81, App. 7/3/81)

SEC. 10.117-26. SPECIAL ALCOHOL AND DRUG ABUSE FUND. (a) **Established.** There is hereby established a special fund for the purpose of receiving contributions for:

(1) Prevention based television commercials;

(2) Prevention based radio commercials;

(3) Specialized communications (such as magazine ads, direct mail);

(4) Promotional materials (such as transportation advertising, door hangers, posters, etc.); and

(5) Promotional activities (such as special events, luncheons).

Said special fund will be known as the "Special Alcohol and Drug Abuse Prevention Fund". Said special fund shall be used solely for the following purposes:

(1) Payment for Prevention based television commercials;

(2) Payment for Prevention based radio commercials;

(3) Purchase of required materials for the conduct of the Alcohol and Drug Abuse Prevention Campaign (manuals, audio tapes, video tapes, audio-visual aids, etc.);

(4) Fund staff development programs in support of Alcohol and Drug Abuse Prevention Campaign; and

(5) Other expenses incidental to the delivery of the Alcohol and Drug Abuse Prevention Campaign.

(b) **Administration and Expenditures from Fund.** The monies in said special fund shall be set aside for the aforesaid purposes and expenditures therefrom shall be approved by the Program Chief, Community Substance Abuse Services; the Director of Health; and the Chief Administrative Officer.

The balance remaining in the Special Alcohol and Drug Abuse Prevention Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purposes recited herein. (Added by Ord. 419-81, App. 7/27/81)

SEC. 10.117-27. INFANT CAR SEAT DEPOSIT FUND. (a) **Establishment of Fund.** There is hereby established a special fund for the receipt of revenue generated from each deposit of \$15 and processing fee of three dollars paid for the use of an infant car seat that is the property of the City and County of San Francisco.

(b) **Expenditures.** Upon the return of an infant car seat on time and in good condition, the \$15 deposited may be returned to the depositor, but if the car seat is returned dirty, late or in poor condition, the deposit will be retained by the City and County of San Francisco in the said Infant Car Seat Deposit Fund.

All expenditures of money shall be approved by the Director of Health.

An unexpended balance remaining in said special fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in such special fund for the purpose of purchasing infant car seat replacement parts and new infant car seats. (Amended by Ord. 482-82, App. 9/30/82)

SEC. 10.117-28. CIVIL SERVICE COMMISSION FINGERPRINT PROCESSING FUND. (a) **Established.** There is hereby established a special fund for the purpose of receiving fees collected by the Civil Service Commission for services rendered in connection with the imprinting and processing of fingerprints.

(b) **Expenditures from Fund.** The monies in said special fund shall be used solely to pay any and all necessary fees to any other government agency required by law to collect fees from the Civil Service Commission for services rendered in connection with the imprinting or processing of fingerprints. (Added by Ord. 103-82, App. 3/5/82)

SEC. 10.117-30. SAN FRANCISCO GENERAL HOSPITAL STORES FUND. (a) **Established.** There shall be established in the treasury of the City and County a special fund to be known as the San Francisco General Hospital Stores Fund in the amount of \$1,346,557, said sum having been determined to be the inventory balance as of June 30, 1981 by the office of the Controller and the independent auditor.

(b) **Use of Money in Fund.** The San Francisco General Hospital Stores Fund shall be used exclusively for the purchase, storage and clearance of materials and supplies required for the use of San Francisco General Hospital in connection with its performance.

(c) **If Balance Insufficient.** Should the unencumbered balance of the San Francisco General Hospital Stores Fund be insufficient at any time to provide for the purchase, storage and clearance of materials and supplies required for the immediate use of the San Francisco General Hospital, the Controller may, upon the recommendation of the department head and the approval of the Chief Administrative Officer, transfer up to 10 percent from any surplus appropriation other than personal services and make such sums available in the San Francisco General Hospital Stores Fund for the purchase, storage and clearance of the required materials and supplies.

(d) **Administration of the Expenditures from Fund.** The procedure of administering the San Francisco General Hospital Stores Fund shall conform to the

provisions of the Charter, the annual appropriation ordinance or supplemental appropriation ordinance(s), and the procurement procedure as prescribed by the Controller and the purchaser of supplies.

(e) The provisions of this ordinance shall be reviewed annually commencing on the effective date hereof. (Added by Ord. 274-82, App. 6/10/82)

SEC. 10.117-31. SAN FRANCISCO PORT COMMISSION PROMOTIONAL FUND. All donations which may from time to time be received by the San Francisco Port Commission for promotional purposes are hereby accepted for such purposes, and when received shall be deposited in the treasury of the City and County of San Francisco in a special fund to be known as the "San Francisco Port Commission Promotional Fund." The monies in the San Francisco Port Commission Promotional Fund are hereby appropriated exclusively for the purpose of promotional activities, the character and nature of which shall be determined by the San Francisco Port Commission. Balances remaining in the San Francisco Port Commission Promotional Fund at the close of any fiscal year shall be deemed to have been appropriated for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. The Port shall submit a report detailing deposits into and disbursements from the fund to the Board of Supervisors at the end of each fiscal year. (Added by Ord. 308-82, App. 6/24/82)

SEC. 10.117-32. SPECIAL ALCOHOL FUND. (a) **Established.** There is hereby established a special fund for receiving contributions and grants for the purpose of developing and implementing the Islands of Sobriety (Sober Hotels) Project (henceforth referred to as "the project").

Said special fund shall be known and designated as the Special Alcohol Fund. Monies deposited in said fund shall be appropriated by the Board of Supervisors for the following purposes:

- (1) Procuring legal, financial, real estate and other consultation necessary for development and implementation of the project;
- (2) Promoting the project via events and activities;
- (3) Purchasing necessary supplies and equipment;
- (4) Purchasing, renovating, or refurbishing facilities or equipment;
- (5) Licensing costs; and
- (6) Other expenses necessary for development of the project and incidental to the delivery of the Special Alcohol Fund.

The balance remaining in the Special Alcohol Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter of the City and County of San Francisco and shall be carried forward and accumulated in said fund for the purposes cited herein. (Added by Ord. 483-82, App. 9/30/82)

SEC. 10.117-33. MAYOR'S FUND FOR THE HOMELESS. (a) All donations which may from time to time be received by the City and County of San Francisco for providing shelter, food and other assistance for the homeless are hereby accepted for such purposes, and when received shall be deposited in the Treasury of the City and County of San Francisco in a special fund to known as the

"Mayor's Fund for the Homeless." The monies in the Mayor's Fund for the Homeless are hereby appropriated exclusively for the purpose of providing food, shelter and supportive services to the homeless with special emphasis on family services and for costs incurred for promotion of the fund. Expenditures from the Mayor's Fund for the Homeless are subject to the approval of the Mayor. The fund shall be maintained by the Controller's Office which shall record all receipts and expenditures. Funds which are donated for a specific project for the homeless shall be expended only for that project. All other funds shall be expended as jointly determined by the "Mayor's Fund Advisory Committee" and the General Manager of the Department of Social Services, with the approval of the Mayor and the Controller's Office. Monthly reports shall be made by the General Manager of the Department of Social Services to the Mayor and Board of Supervisors of all expenditures and encumbrances as they are incurred. Expenditures and encumbrances from this fund shall not exceed \$175,000 per month, nor \$525,000 per quarter. Any obligations incurred from the Mayor's Fund for the Homeless which shall exceed \$175,000 per month or \$525,000 per quarter, or which involve the commitment of funding for a period in excess of two months, shall be specifically approved in advance by resolution of the Board of Supervisors.

(b) The Mayor's Fund Advisory Committee shall be appointed by the Mayor. It shall consist of seven members. Five members shall be appointed from the private sector or from nonprofit foundations who are not recipients of monies from the Mayor's Fund for the Homeless. One member shall be the Mayor or his/her designee. One member shall be appointed from the Social Services Commission. Vacancies shall be filled by the Mayor as they may occur. Of the private sector and nonprofit members first appointed, one will serve for a term of two years, two will serve for a term of three years, and two will serve for a term of four years. The term of service of each member shall be determined by the drawing of lots at the first meeting. Thereafter, members from the private sector or nonprofit foundations will be appointed for a term of four years, except that all of the vacancies occurring during a term will be filled for the unexpired term.

(c) Balances remaining in the Mayor's Fund for the Homeless at the close of any fiscal year shall be deemed to have been appropriated for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. The Controller shall submit monthly reports detailing deposits into and disbursements from this fund to the Mayor and the Board of Supervisors. (Amended by Ord. 291-83, App. 5/27/83)

SEC. 10.117-34. CHILDREN'S TRUST FUND; ESTABLISHMENT; PURPOSE; APPROPRIATION; ACCRUAL; ADMINISTRATON; DISBURSEMENT. (a) **Establishment of Fund.** There is hereby established a special fund to be known and designated as the Children's Trust Fund, into which shall be deposited four dollars of each fee collected by the Department of Public Health at the time of issuance of any certified copy of a birth certificate to a private applicant, pursuant to Section 10605 of the Health and Safety Code, together with grants, gifts and bequests from private sources to be used for the prevention of child abuse and neglect, any funds appropriated to the County for the fund by the Legislature and any funds appropriated to the fund by the Board of Supervisors.

(b) **Purpose of Fund.** This fund is created for the purpose of funding child abuse and neglect prevention and intervention programs operated by private nonprofit organizations in accordance with the provisions of Chapter 11 (commencing with Section 18965) of Part 6 of Division 9 of the Welfare and Institutions Code.

(c) **Appropriation of Monies.** The monies in the fund are hereby appropriated exclusively to fund programs which satisfy the purpose for which the fund is created.

(d) **Accrual of Monies in Fund.** Balances remaining in the Children's Trust Fund at the close of any fiscal year shall be deemed to have been appropriated for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein.

(e) **Administration of Program.** The Department of Social Services Commission shall:

(1) Establish criteria and priorities for determining those organizations which shall receive funding under this program.

(2) Prepare and distribute announcements and requests for grant proposals to existing child abuse and neglect prevention programs.

(3) Review and evaluate grant proposals and requests of private nonprofit organizations to receive funding under this program.

(4) Recommend appropriate action on such proposals to the Board of Supervisors.

(5) Monitor the implementation of the program(s) approved by the Board of Supervisors for funding under this program in compliance with the provisions of Section 18965 et seq. of the California Welfare and Institutions Code.

(f) **Disbursements.** Disbursements from the Children's Trust Fund shall be made upon recommendation of the Department of Social Services Commission subject to approval by resolution of the Board of Supervisors.

In order to defray costs resulting from the collection of the additional \$4 fee, the Registrar of Vital Statistics may retain in the General Fund an amount, not to exceed 10 percent of the additional \$4 fee (or \$.40 per birth certificate issued). The Registrar shall annually submit evidence to the Budget Analyst and the Board of Supervisors of any such actual additional costs as were incurred in collection of said additional \$4 fee. These specific costs shall be subject to review by the Budget Analyst, prior to submission for approval by resolution of the Board of Supervisors. This shall be accomplished consistent with the Budget and Fiscal provisions of the City Charter and the Administrative Code which provide for annual review of department revenues and costs. Any amount retained in the General Fund by the Bureau of Records and Statistics for such additional costs but not substantiated by the Budget Analyst and approved by the Board of Supervisors shall also be deposited in the Children's Trust Fund. (Added by Ord. 181-83, App. 4/8/83)

SEC. 10.117-35. COURTHOUSE TEMPORARY CONSTRUCTION FUND. All funds collected pursuant to Resolution No. 405-83 of the Board of Supervisors of the City and County of San Francisco as authorized by Section 68073.3 of the California Government Code from surcharges on first filing fees collected as specified in such Resolution shall be deposited into and shall be appropriated by the Board of Supervisors from a special fund to be known as the

“Courthouse Temporary Construction Fund” as provided in such Section 68073.3. Pursuant thereto, the monies in such fund are payable only for the purpose of assisting the City and County of San Francisco by a request for proposals through the Chief Administrative Officer, administered by the Real Estate Department, in the acquisition, rehabilitation, construction and financing of courtrooms or of a courtroom building or buildings containing facilities necessary or incidental to the operation of the justice system at the time necessary therefor, and, in conjunction therewith, to rehabilitate existing courtrooms or an existing courtroom building or buildings for other uses if new courtrooms or a courtroom building or buildings are acquired, constructed or financed, or to acquire, rehabilitate, construct or finance excess courtrooms or an excess courtroom building or buildings if such excess is anticipated to be needed at a later time. Should any such excess courtrooms or courtroom buildings be leased or rented for uses other than the operation of the justice system until such time as such excess courtrooms or excess courtroom building or buildings are needed for the operation of the justice system, any amounts received as lease or rental payments pursuant to this subdivision shall be deposited in the San Francisco “Courthouse Temporary Construction Fund.”

The fund shall be maintained by the Controller's Office which shall record all receipts and expenditures. All funds shall be expended as jointly determined by the Courthouse Temporary Construction Fund Committee (consisting of the Presiding Judges of the Superior and Municipal Courts, the Executive Officer of the Superior Court and the Clerk of the Municipal Court), with the approval of the Board of Supervisors. Expenditures and encumbrances from this fund shall be subject to the budget and fiscal policies of the Charter and shall first be made for the purpose of a survey determining the need for courtroom facilities. Balances remaining in the “Courthouse Temporary Construction Fund” at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. (Added by Ord. 297-83, App. 5/27/83)

SEC. 10.117-36. SPECIAL ALCOHOL FUND: DRINKING DRIVER AND FIRST OFFENDER PROGRAMS. (a) **Established.** There is hereby established a special fund for receiving funds for administrative costs imposed for monitoring, evaluating and processing the Drinking Driver and First Offender Programs.

Said special fund shall be known and designated as the “Special Alcohol Fund: Drinking Driver and First Offender Programs.” Said monies deposited in said fund shall be appropriated by the Board of Supervisors for the following purposes:

1. Monitoring, reviewing and evaluating program compliance;
2. Coordinating judicial and program activities;
3. Providing technical assistance regarding inter-county issues and state legislation; and
4. Providing for other administrative tasks, duties, supplies and equipment.

(b) **Administration of Expenditures From Fund.** The balance remaining in said Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the

Charter of the City and County of San Francisco and shall be carried forward and accumulated in said fund for the purposes cited herein. (Added by Ord. 420-83, App. 8/18/83)

SEC. 10.117-38. SPECIAL ALCOHOL FUND: HARRIET STREET CENTER AND ALCOHOLISM EVALUATION AND TREATMENT CENTER PROGRAMS. (a) **Established.** There is hereby established a special fund for receiving client source revenues from clients at the Harriet Street Center and the Alcoholism Evaluation and Treatment Center Program.

Said special fund shall be known and designated as the "Special Alcohol Fund: Harriet Street Center and Alcoholism Evaluation and Treatment Center Programs." Monies deposited in said fund shall be appropriated by the Board of Supervisors for the following purposes:

1. Client personal items;
2. Client transportation for special events;
3. Linen; and
4. Other program-related expenditures.

(b) **Administration of Expenditures from Fund.** The balance remaining in said fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter of the City and County of San Francisco and shall be carried forward and accumulated in said fund for the purposes cited herein. (Added by Ord. 517-83, App. 10/27/83)

SEC. 10.117-39. TOXIC MATERIALS SPECIAL FUND. (a) **Established.** There is hereby established a special fund for receiving contributions from private agencies for clean-up and other costs related to toxic material spills which occur within the boundaries of the City and County of San Francisco.

Said special fund shall be known and designated as the "Toxic Materials Special Fund." Monies deposited in said fund shall be appropriated by the Board of Supervisors solely for the following purposes:

1. Procurement of professional and other contractual services necessary for the elimination and analysis of the toxic materials involved, and other related costs incurred to safeguard the health of the citizens of the City and County of San Francisco;

2. Payment to Department of Public Health personnel for overtime incurred as a result of such spills;

3. Purchase of necessary supplies and equipment.

(b) **Administration of Expenditures from Fund.** The balance remaining in the Toxic Materials Special Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter of the City and County of San Francisco and shall be carried forward and accumulated in said fund for the purposes cited herein. (Added by Ord. 516-83, App. 10/27/83)

SEC. 10.117-41. PERFORMING ARTS LOAN FUND. (a) **Establishment of Fund.** There is hereby established a special fund for the purpose of making facilities management, capital improvement and acquisition loans to nonprofit

performing arts organizations pursuant to Chapter 50 of the San Francisco Administrative Code. Said special fund shall be known and designated as the Performing Arts Loan Fund. Any grants, gifts and bequests from public or private sources for this purposes, any monies appropriated to the County for the fund by the Legislature and any monies appropriated to the fund by the Board of Supervisors, including all principal repayments, fees, charges and other interest collected from participating parties, shall be deposited into said special fund.

(b) **Appropriation of Monies.** The monies in this fund may be appropriated exclusively for the purposes and in the manner designated pursuant to Chapter 50 of the San Francisco Administrative Code. Costs which may be incurred by the Mayor's Office of Housing and Economic Development in administering said chapter may be recovered from interest payments deposited in this fund. Recovered costs shall not exceed $\frac{1}{3}$ of the total interest payments received. The remaining interest earned shall be returned to the loan fund for future loans.

(c) **Accumulation of Monies in Fund.** The balance remaining in said fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. (Amended by Ord. 250-85, App. 5/23/85)

SEC. 10.117-42. VOLUNTARY ARTS CONTRIBUTIONS FUND. (a) **Establishment of Fund.** There is hereby established a special fund for the purpose of receiving all donations of money and property which may be offered to the City and County for its use and benefit to promote and provide services to nonprofit arts organizations pursuant to Chapter 51 of the San Francisco Administrative Code. Said special fund shall be known and designated as the Voluntary Arts Contributions Fund.

(b) **Acceptance of Gifts.** All donations of money and property which may from time to time be offered to the Voluntary Arts Contributions Fund are hereby accepted for such purposes. Any grants, gifts and bequests from private sources for this purpose shall be deposited into said special fund.

(c) **Appropriation of Monies.** The monies in this fund are hereby appropriated to the office of the Chief Administrative Officer pursuant to Charter Section 3.201 to be expended for the purposes designated in Chapter 51 of the San Francisco Administrative Code.

(d) **Interest.** Interest earned from the Voluntary Arts Contributions Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established.

(e) **Accumulation of Monies in Fund.** The balance remaining in the Voluntary Arts Contributions Fund at the close of any fiscal year shall be deemed to have been provided for a specific purposes within the meaning of Charter Section 6.306 and shall be carried forward and accumulated in said fund for the purposes recited herein. (Amended by Ord. 80-84, App. 2/23/84)

SEC. 10.117-43. CITY ATTORNEY SPECIAL LITIGATION CONTINGENCY FUND. (a) **Establishment of Fund.** There is hereby established a special fund in the amount of \$500,000 for the purpose of expeditiously providing for payment of the cost of unanticipated legal expenses. Said fund shall be known as the City Attorney Special Litigation Contingency Fund.

(b) **Utilization of Fund.** Said special fund shall be used solely to provide for the expeditious payment of the cost of unanticipated legal expenses for which funds had not been budgeted.

(c) **Administration of Fund.** The monies for the fund shall be set aside and upon the request of the City Attorney and with the approval of the Mayor and the Finance Committee of the Board of Supervisors, monies from the fund may be utilized for the aforementioned purpose.

Monies expended from this fund shall be restored by supplemental appropriation.

Any unexpended balance remaining in said fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of the provisions of Section 6.306 of the Charter and shall be carried forward and accumulated in said special fund for the purposes recited herein. (Added by Ord. 157-84, App. 4/11/84)

SEC. 10.117-44. MUNICIPAL RAILWAY OPERATORS LOUNGE FACILITIES FUND. (a) **Establishment of Fund.** There is hereby established a special fund for the purpose of receiving the net proceeds from sales from vending machines installed in municipal railway division gillely rooms or other appropriate places as designated by the Public Utilities Commission, which authority it may delegate to the General Manager of Public Utilities.

(b) **Expenditures from Fund.** Notwithstanding the provisions of Section 4.5 of this Code, the municipal railway operators lounge facilities fund shall be used exclusively for the purpose of establishing and maintaining lounge and rest facilities for municipal railway operators. All expenditures therefrom shall be approved by the Public Utilities Commission, which approval authority it may delegate to the General Manager of Public Utilities.

All revenues deposited in this fund are hereby appropriated in accordance with the purposes set for herein. Any unexpended balance remaining in said special fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in such special fund to be expended in accordance with the purposes set forth herein. (Added by Ord. 61-85, App. 1/30/85)

SEC. 10.117-47. DISTRICT ATTORNEY FAMILY SUPPORT BUREAU'S TAX INTERCEPT PROGRAM REVOLVING FUND. (a) **Establishment of Fund.** As required by Title 45, Section 303.72(g) of the Code of Federal Regulations and pursuant to the provisions of Section 29410 of the California Government Code, there is hereby established a special fund for the purpose of advancing reimbursement for monies erroneously attached or intercepted by the District Attorney's Office for payment of a delinquent family support obligation. Said fund shall be known as the District Attorney Family Support Bureau's Tax Intercept Program Revolving Fund.

(b) **Utilization of Fund.** The District Attorney Family Support Bureau's Tax Intercept Program Revolving Fund shall be used solely for the purpose of providing prompt repayment to taxpayers whose federal or state income tax refunds have been erroneously attached under the District Attorney Family Support Bureau's tax intercept program.

(c) **Administration of Fund.** The monies for the fund shall be set aside and may be utilized for the aforementioned purpose. The procedure for administering the fund and for making deposits thereto and expenditures therefrom shall be approved by the Controller to insure that the monies are used only for the appropriated purpose.

Any unexpended balance remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purpose recited herein. (Added by Ord. 71-85, App. 2/7/85)

SEC. 10.117-48. BASEBALL STADIUM FUND. (a) All donations which may from time to time be received by the City and County of San Francisco for the development of a downtown baseball stadium are hereby accepted for such purposes, and when received shall be deposited in the treasury of the City and County in a special fund to be known as the "Baseball Stadium Fund."

(b) The monies in the Baseball Stadium Fund are hereby appropriated exclusively for the purpose of developing a downtown baseball stadium and for costs incurred in the administration of the Fund. Expenditures from the Baseball Stadium Fund are subject to the approval of the Mayor and the Board of Supervisors. The fund shall be maintained by the Controller's office, which shall record all receipts and expenditures. Should the Mayor determine that a downtown baseball stadium will not be built, the donations received pursuant to this ordinance shall be returned to the donors in proportion to the original amounts donated.

(c) Balances remaining in the Baseball Stadium Fund at the close of any fiscal year shall be deemed to have been appropriated for a specific purpose within the meaning of Charter Section 6.306, and shall be carried forward and accumulated in said fund for the purposes recited herein. (Added by Ord. 508-85, App. 11/22/85)

SEC. 10.117-49. EMERGENCY MERCY FUND. (a) **Establishment of Fund.** There is hereby established a special fund for the purpose of receiving all private or public grants, gifts or bequests of money or property which may be offered to the City and County to benefit children throughout the world who are victims of natural or manmade disasters. Said special fund shall be known and designated as the Emergency Mercy Fund. The Mayor is authorized to accept, on behalf of the City and County of San Francisco, any grants, gifts, or bequests made for the aforementioned purpose.

(b) **Acceptance of Gifts.** All grants, gifts or bequests of money and property which may from time to time be offered to the Emergency Mercy Fund upon acceptance by the Mayor shall be deposited into said special fund. All grants, gifts, and bequests, made to the City prior to the effective date of this ordinance for the aforementioned purpose are hereby accepted and shall be deposited into said special fund.

(c) **Expenditure of Monies.** The monies in this fund are hereby appropriated for the purposes enumerated in Subsection (a) and may be expended upon recommendation by the Mayor approved by resolution of the Board of Supervisors. No costs which may be incurred by any City department in administering this fund shall be recovered therefrom.

(d) **Accumulation of Monies.** The balance remaining in this fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 6.306, and shall be carried forward and accumulated in said fund for the purposes recited herein. (Added by Ord. 310-85, App. 6/20/85)

SEC. 10.117-50. HOUSING AFFORDABILITY FUND. (a) **Establishment of Fund.** There is hereby created a special fund for the purpose of providing financial assistance to for-profit and nonprofit housing developers, where the contribution of monies from the fund will allow units in a project to be affordable to persons and families of low and moderate income. Said fund shall be known as the Housing Affordability Fund. Subject to any prior legally binding obligations any grants, gifts, bequests from private sources for this purpose, any monies repaid to the City as a result of loans made by City to developers to assist in the development of affordable housing, any repayments of monies to City where the City is beneficiary under a promissory note which was acquired as a result of City's housing affordability assistance, any repayments of loans made from this fund and any monies appropriated to the fund shall be deposited into said special fund.

(b) **Appropriation of Monies.** The monies from this fund may be appropriated exclusively for the purposes provided in Subsection (a) and for costs which may be incurred by any City Department in administering any project funded in whole or in part pursuant to this Chapter.

(c) **Accumulation of Monies in Fund.** The balance remaining in said fund at the close of any fiscal year shall be deemed to have been provided for the special purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. (Added by Ord. 249-85, App. 5/23/85)

SEC. 10.117-53. DEPARTMENT OF PUBLIC WORKS NUISANCE ABATEMENT AND REMOVAL FUND. (a) **Establishment of Fund.** There is hereby established a special fund for the purpose of abating and removing nuisances in accordance with San Francisco Public Works Code Sections 174 — 174.13. The special fund shall be known and designated as the Department of Public Works Nuisance Abatement and Removal Fund. Any monies appropriated by the Board of Supervisors or collected by the Director of Public Works for this purpose and sums received in consideration of the release of liens and payment of special assessments shall be deposited in the special fund.

(b) **Appropriation of Monies.** The monies in this fund are hereby appropriated exclusively to pay for the abatement and removal of nuisances as provided by Public Works Code Sections 174 — 174.13 and to pay for costs which may be incurred by the Department of Public Works in administering its duties pursuant to such code sections.

(c) **Accumulation of Monies in Fund.** The balance remaining in this fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. (Added by Ord. 75-86, App. 3/14/86)

SEC. 10.117-54. NARCOTICS FORFEITURE FUND. (a) **Establishment of Fund.** There is hereby established a special fund for the purpose of receiving money or tangible property which reflects the City and County's participation in acts leading to the seizure or forfeiture of property pursuant to 21 U.S.C. Section 881. Said special fund shall be known and designated as the Narcotics Forfeitures Fund. The Police Commission is authorized to accept, on behalf of the City and County, any such money or property received from the federal government. Such money or property shall, consistent with federal guidelines, be used exclusively for law enforcement purposes to fund enforcement, training, prevention and prosecution programs related to, and to procure equipment to enhance the effectiveness of, the Police Department's enforcement of narcotics laws.

(b) **Expenditure of Monies.** The monies in this fund are hereby appropriated, and the use of tangible property shall be made, for the purposes enumerated in Subsection (a), and consistent with any federal guidelines for their use. Subject to prior approval by the Mayor, the Chief of Police may disburse sums from this fund. Quarterly reports reflecting the expenditures from this fund shall be submitted to the Mayor and the Board of Supervisors. No costs which may be incurred by any City department in administering this fund shall be recovered therefrom.

(c) **Accumulation of Monies.** The balance remaining in this fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 6.306, and shall be carried forward and accumulated in said fund for the purposes recited therein. (Added by Ord. 239-86, App. 6/20/86)

SEC. 10.117-55. YOUTH AND CHILDREN SERVICES CONTRIBUTIONS FUND. (a) **Establishment of Fund.** There is hereby established a special fund for the purpose of receiving all donations of money and property which may be offered to the City and County for the use by public and nonprofit organizations to benefit, promote and provide youth and children programs pursuant to Chapter 51A of the San Francisco Administrative Code. Said special fund shall be known and designated as the Youth and Children Services Contributions Fund.

(b) **Acceptance of Gifts.** All donations of money and property which may from time to time be offered to the Youth and Children Services Contributions Fund are hereby accepted for such purposes. Any grants, gifts and bequests from private sources for this purpose shall be deposited into said special fund.

(c) **Appropriation of Monies.** The monies in this fund are hereby appropriated to the Mayor's Office of Community Development pursuant to Chapter 51A of the San Francisco Administrative Code.

(d) **Interest.** Interest earned from the Youth and Children Services Contributions Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established.

(e) **Accumulation of Monies in Fund.** The balance remaining in the Youth and Children Services Contributions Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 6.306 and shall be carried forward and accumulated in said fund for the purposes recited herein. (Amended by Ord. 504-86, App. 12/24/86)

SEC. 10.117-57. OFFICERS FOR JUSTICE SCHOLARSHIP FUND.

(a) There is hereby established a scholarship fund to be called the Officers for Justice Scholarship Fund (hereinafter the "Fund"). The purposes for which the monies committed to said fund may be expended are as follows:

1. Reimbursement to sworn members of the San Francisco Police Department of disadvantaged backgrounds for expenses reasonably incurred in connection with attending classes and participating in courses related to professional police work. All such classes and courses must be offered by a recognized university or college in the Bay Area.

2. Payment of a stipend of up to a maximum \$400 per person per semester/quarter in connection with attendance at classes and participating in courses described in Subsection (a)1 above.

(b) The expenditures for which reimbursement may be recovered are limited to tuition, if any, books and other required course-related materials and transportation expenses. No person may claim reimbursement for transportation expenses in excess of \$100 in any calendar six month period.

No person may receive reimbursement as provided herein who has received a failing grade in a class or course for which reimbursement was claimed in the preceding calendar year, unless and until said failing grade is raised to a passing grade by reexamination or recertification.

(c) The fund shall be administered by a seven-person Board of Directors constituted as follows:

1. Three members shall be appointed by the Board of Directors of the Officers for Justice.

2. One member shall be appointed by the Chief of the San Francisco Police Department.

3. Three members shall be appointed by the Auditor appointed by the Court as provided by the Consent Decree in Officers for Justice, et al, v. Civil Service Commission, et al., and United States v. City and County of San Francisco, et al., from persons on the staff of Bay Area universities or colleges having expertise in police science.

The Board of Directors shall determine which persons shall be recipients of monies from the fund and shall recommend to the Auditor which claimed expenses should qualify for reimbursement and the manner in which stipends shall be paid as provided herein.

The Board of Directors established herein shall conduct itself according to appropriate parliamentary procedures and by majority vote of a quorum present. It shall make recommendations for reimbursement to the Auditor only after review of receipts or other documentation deemed appropriate by the Board of Directors.

(d) Subject to the fiscal provisions of the Charter, there shall be appropriated for the fund the sum of \$125,000. Said amount shall be appropriated within 30 days of the final approval of the Consent Decree referenced above.

(e) The monies appropriated as provided herein shall be deposited with and administered by the Controller or Treasurer of the City and County of San Francisco until such time as the Auditor is appointed and acting and agrees to administer the fund, whereupon said monies shall be transferred to the Auditor in trust for the purposes set forth herein.

The payment of stipends and reimbursement of expenses as provided herein shall be made upon the recommendation of the Board of Directors and the approval of the Auditor. (Added by Ord. 189-86, App. 3/30/86)

SEC. 10.117-58. CMHS SUBSTITUTE PAYEE PROGRAM TRUST FUND. (a) **Findings.** The Board of Supervisors finds that there are residents of the City and County of San Francisco who are recipients of Social Security Administration benefits, Veteran's Administration benefits, General Assistance, and income from public and private retirement systems who are unable to manage such payments to their best advantage.

There are also residents of the City and County of San Francisco who are denied the payment of Social Security Administration benefits, Veteran's Administration benefits, General Assistance, and income from public and private retirement systems because of mental and/or physical disability who would benefit from assistance in applying for and managing funds.

Therefore, the Board of Supervisors authorizes the Department of Public Health, Community Mental Health Services, pursuant to the permission of their client, to receive, manage, and disburse income and benefits from public and private agencies for those persons who receive such aid, but are unable to manage their funds.

And, further, that the Department of Public Health, Community Mental Health Services is authorized, pursuant to the permission of their client, to provide assistance in applying for public and private sources to which the client may be entitled to, but which are withheld or not paid because of a determination from the funding agencies that the recipient is not mentally capable of managing such funds.

(b) **Established.** There shall be established in the Treasury of the City and County of San Francisco a special fund to be known and designated as the Community Mental Health Services Substitute Payee Program Trust Fund, into which shall be placed deposits made by the Community Mental Health Services on behalf of individual clients.

(c) **CHMS Substitute Payee Program.** Upon agreement with the client, CMHS may provide the following services:

(1) Collect and deposit entitlement checks in the CMHS Substitute Payee Trust Fund.

(2) Redirect client's rent and utility bills to the CMHS Substitute Payee Program and pay these bills with the client's benefit funds.

(3) Make disbursements from the client's share in the trust fund for the client's personal needs.

(d) **Refunds.** Upon discharge or withdrawal of a client from the Community Mental Health Services, any and all amounts on deposit in his name in the trust fund shall be paid to him.

(e) **Revolving Fund.** For the purposes of facilitating the withdrawal of money belonging to individual beneficiaries, the Director of Public Health may maintain, as part of the trust fund, a revolving fund in such amounts as shall be authorized by the Director of Public Health with the concurrence of the Controller. Such revolving fund may be maintained in cash at the office of the Community Mental Health Services or may be deposited in such bank or banks as the Director of Public Health

may direct. If the account accrues any interest it will first be used to offset the City's administrative costs of managing the Substitute Payee Trust Program. Any remaining interest will be prorated and credited to the individual beneficiaries on the basis of their share in the account.

(f) **Records.** The Director of Public Health shall cause full, true and correct records to be maintained, on a current basis, regarding the receipt and disbursement of all moneys belonging to any such client on deposit in the CMHS Substitute Payee Program Trust Fund. Clear and current records must be maintained showing all credits to and debits from the account for each individual client, as well as each individual client's current share/balance in the account.

(g) **Controller to Prescribe Accounting Methods.** Pursuant to Section 3.301 of the Charter, the Controller shall prescribe the manner in which reports and accounts regarding the receipt and disbursement of the client's money shall be rendered to the Controller. (Added by Ord. 373-86, App. 9/5/86)

SEC. 10.117-59. SAN FRANCISCO URBAN DEVELOPMENT ACTION GRANT REVOLVING LOAN FUND; ESTABLISHMENT OF FUND; AUTHORIZATION TO EXPEND; ADMINISTRATION OF LOANS; ACCRUAL OF MONIES IN FUND; AND PROGRAM STATUS. (a) **Establishment of Fund.** There is hereby established a special fund in the Treasury of the City and County of San Francisco to be known as the San Francisco Urban Development Action Grant Revolving Loan Fund ("Fund") for the purpose of receiving proceeds related to the Urban Development Action Grant Program. The monies to be deposited in the Fund include, subject to any prior legally binding obligations: (1) repayments of Urban Development Action Grants awarded to the City and County of San Francisco; (2) principal repayments of loans made from the Fund; (3) application and/or loan fees and interest earnings generated by loans made from the Fund and the proceeds of investments of unexpended cash balances of Fund; and (4) revenue received from City participation as defined by specific Urban Development Action Grant agreements.

(b) **Authorization to Expend.** Expenditures from the Fund shall be for the following purposes: (1) to provide for economic development loans and/or grants for activities eligible under Title I of the Housing and Community Development Act of 1974, as amended; and (2) to provide for expenses incurred in the administration of the Fund. Authorization for loans and grants shall be approved by resolution of the Board of Supervisors. Administrative expenses are appropriated through the annual budget process or supplemental appropriation for the Mayor's Office of Housing, Economic Development and Small Business.

(c) **Administration of Loans.** The Mayor's Office of Housing, Economic Development and Small Business shall administer loan and grant programs under the Fund, and in such capacity shall (1) service loan and grant agreements; (2) receive payments for, and maintain current accounts of, principal, interest, and fees relating to the loan and grant agreements, and redeposit them into the Fund; (3) allocate funds for administration associated with the operation of the Fund, such funds being limited to interest earnings generated by loans, collection of fees and the proceeds of investments of unexpended cash balances from the Fund.

(d) **Accrual of Monies in Fund.** Any unexpended balance of fees, interest earnings, and principal remaining in the Fund at the close of any fiscal year shall be

deemed to have been appropriated for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in the Fund for the purposes cited in this Section.

(e) **Program Status.** The Mayor's Office of Housing, Economic Development and Small Business shall report annually to the Board of Supervisors on the current status of the Fund, the amounts approved for disbursement, the number and types of projects assisted, and shall make recommendations for any changes deemed necessary to improve the effectiveness of the Fund in achieving its purpose. (Added by Ord. 461-86, App. 12/5/86)

SEC. 10.117-60. SAN FRANCISCO ECONOMIC DEVELOPMENT REVOLVING LOAN FUND; ESTABLISHMENT OF FUND; AUTHORIZATION TO EXPEND; ADMINISTRATION OF LOANS; ACCRUAL OF MONIES IN FUND; AND PROGRAM STATUS. (a) **Establishment of Fund.** There is hereby established a special fund in the Treasury of the City and County of San Francisco to be known as the San Francisco Economic Development Revolving Loan Fund ("Fund") for the purpose of receiving proceeds of the \$3,000,000 Economic Development Fund set aside in the FY-86/87 budget and such other additional funds which may be authorized by the Board of Supervisors. The monies to be deposited in the Fund include, subject to any prior legally binding obligations: (1) the \$3,000,000 Economic Development Fund and such other additional funds which may be authorized by the Board of Supervisors; (2) principal repayments of loans made from the Fund; (3) fees and interest earnings generated by loans made from the Fund and the proceeds of investments of unexpended cash balances of the Fund.

(b) **Authorization to Expend.** Expenditures from the Fund shall be for the following purposes: (1) to provided for loans for financing new construction, acquisition, rehabilitation, and modernization of facilities, and purchase and retrofitting of major equipment; (2) to provide for expenses incurred in the administration of such loans and expenditures for marketing. Authorization for loans shall be approved by resolution of the Board of Supervisors. Administrative expenses are appropriated through the annual budget process or supplemental appropriation for the Mayor's Office of Housing, Economic Development and Small Business; (3) to provide for expenses incurred by the Mayor's Office of Housing, Economic Development and Small Business in the administration of an economic development assistance and business retention and attraction program.

(c) **Administration of Loans.** The Mayor's Office of Housing, Economic Development and Small Business shall administer loan programs under the Fund, and in such capacity shall (1) service loan agreements; (2) receive payments for, and maintain current accounts of, principal, interest, and fees relating to the loan agreements, and redeposit them into the Fund; (3) allocate funds for the administrative costs associated with the operation of the Fund, such funds being limited to interest earnings generated by loans, collection of fees and the proceeds of the investments of unexpended cash balances from the Fund; (4) allocate funds for the administrative costs associated with the operation of the economic development assistance and business retention and attraction program, such funds being limited to a nontime expense not to exceed \$317,000.

(d) **Accrual of Monies in Fund.** Any unexpended balance of fees, interest earnings, and principal remaining in the Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in the Fund for the purposes cited in this Section.

(e) **Program Status.** The Mayor's Office of Housing, Economic Development and Small Business shall report annually to the Board of Supervisors on the current status of the Fund. The amounts approved for disbursements, the number and types of projects assisted, and the status of the economic development assistance and business retention and attraction program, and shall make recommendations for any changes deemed necessary to improve the effectiveness of the Fund in achieving its purposes. (Amended by Ord. 45-87, App. 2/27/87)

SEC. 10.117-61. SAN FRANCISCO SMALL BUSINESS REVOLVING LOAN FUND; ESTABLISHMENT OF FUND; AUTHORIZATION TO EXPEND; ADMINISTRATION OF LOANS; ACCRUAL OF MONIES IN FUND; AND PROGRAM STATUS. (a) **Establishment of Fund.** There is hereby established a special fund in the Treasury of the City and County of San Francisco to be known as the San Francisco Small Business Revolving Loan Fund ("Fund") for the purpose of receiving proceeds related to the Community Development Block Grant Revolving Loan Program, the Economic Development Administration Title IX Revolving Loan Fund Program, and such other additional sources which may be made available. The monies to be deposited in the Fund include, subject to any prior legally binding obligations:

- (1) principal repayments of loans made from the Fund; and
- (2) fees and interest earnings generated by loans made from the Fund and the proceeds of investments of unexpended cash balances of the Fund.

(b) **Authorization to Expend.** Expenditures from the Fund shall be for the following purposes: (1) to provide for loans to aid local small businesses; and (2) to provide for expenses incurred in the administration of such loans. Pursuant to Economic Development Administration Title IX the authorization for the loans shall be approved by the Loan Administration Board previously established by resolution of the Board of Supervisors. Administrative expenses are appropriated through the annual budget process or supplemental appropriation for the Mayor's Office of Housing, Economic Development and Small Business.

(c) **Administration of Loans.** The Mayor's Office of Housing, Economic Development and Small Business shall administer loan programs under the Fund, and in such capacity shall (1) service loan agreements; (2) receive payments for, and maintain current accounts of principal, interest, and fees relating to the loan agreements, and redeposit them into the Fund; (3) allocate funds for administration associated with the operation of the Fund, such funds being limited to interest earnings generated by loans, collection of fees and the proceeds of investments of unexpended cash balances from the Fund.

(d) **Accrual of Monies in Fund.** Any unexpended balance of fees, interest earnings, and principal remaining in the Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in the Fund for the purposes cited in this Section.

(e) **Program Status.** The Mayor's Office of Housing, Economic Development and Small Business shall report annually to the Board of Supervisors on the current status of the Fund, the amounts approved for disbursement and the number and types of projects assisted. (Added by Ord. 462-86, App. 12/5/86)

SEC. 10.117-62. BEACH NOURISHMENT PLAN FUND (a) **Establishment of Fund.** There is hereby established a special fund in the Treasury of the City and County of San Francisco for the purpose of funding a beach nourishment plan for Ocean Beach submitted to and approved by the California Coastal Commission. This special fund shall be known and designated as the Beach Nourishment Plan Fund. Monies deposited in this special fund shall consist of \$675,000 appropriated by the Board of Supervisors in Ordinance No. 40-81 for the purpose of funding a sand replenishment project at Ocean Beach.

(b) **Appropriation of Monies.** The monies in the fund, including interest earnings, are hereby appropriated exclusively for the purposes set forth in Subsection (e) of this Section. The total amount of monies to be expended from this fund shall not exceed \$2,000,000.

(c) **Interest.** Interest earned from the fund shall become part of the principal thereof, and not be expended for any purpose other than those set forth in Subsection (e) of this Section. Notwithstanding the above, whenever the total deposits of principal and interest earnings reach \$2,000,000, subsequent interest earnings shall be transferred to the Clean Water Program Operating Fund.

(d) **Accrual of Monies in Fund.** The balance remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in the fund for the purposes recited herein.

(e) **Authorization to Expend.** The Director of Public Works and Clean Water Program may approve expenditures from the fund for the following purposes:

(1) Payment of any local or City share of the cost of a study of shoreline erosion at Ocean Beach to be undertaken by the United States Army Corps of Engineers.

(2) Payment of any local or City share of the cost of the implementation by the United States Army Corps of Engineers of a beach nourishment project.

(3) Payment of the cost of planning, designing, and implementing a beach nourishment project in the event the United States Army Corps of Engineers refuses or is unable to undertake the study mentioned in Subsection (1) above. (Added by Ord. 457-86, App. 12/2/86)

SEC. 10.117-63. DISPUTE RESOLUTION PROGRAM FUND. (a) **Purpose.** The City recognizes and acknowledges that there is a need for the encouragement and support of the development and use of alternate dispute resolution techniques designed to facilitate the informal resolution of disputes among members of the community. To this end, the City wishes, pursuant to State law, to establish a program of grants to public entities and nonpartisan nonprofit corporations for the establishment and continuance of informal dispute resolution programs pursuant to the State Dispute Resolution Programs (Chapter 8 (commencing with Section 465), Division 1 of the Business and Professions Code) operated under standards developed by the State Dispute Resolution Advisory Council of the Department of Consumer Affairs.

(b) **Establishment of Fund.** There shall be established in the Treasury of the City and County of San Francisco a special fund to be known and designated as the Dispute Resolution Program Fund, in which shall be placed monies received and collected by the City and County pursuant to the State-enacted Dispute Resolution Programs. This fund will be administered by the Controller.

(c) **Source of Funds.** The City may accept funds from any public or private source, and deposit same into this special fund, for the purposes of facilitating the Dispute Resolution Program. Upon such time that the State Dispute Resolution Program, as defined under Business and Professions Code Section 465.5, becomes effective, the Board of Supervisors shall adopt the necessary legislation to increase filing fees in the Superior or Municipal Courts collected and fixed pursuant to the Government Code, by an amount not to exceed \$3 for the filing of any complaint, answer or other responsive pleading in a civil action other than a Small Claims action. The disbursal of any monies from this fund shall be made only in a manner consistent with the State Dispute Resolution Program.

(d) **Interest.** Interest earned from the Dispute Resolution Program Fund shall become part of the principal thereof, and shall not be expended for any purpose other than that for which said fund is established.

(e) **Accumulation of Monies in Fund.** The balance remaining in the Dispute Resolution Program Fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Charter Section 6.306 and shall be carried forward and accumulated in said fund for the purposes recited herein. (Amended by Ord. 494-86, App. 12/24/86)

ARTICLE XIV

PROCEDURE FOR FINANCING PUBLIC FACILITIES

SEC. 10.118. FINDINGS; INCORPORATION OF AGREEMENT. Section 1.101 of the Charter provides that the City and County may make and enforce all laws, ordinances and regulations necessary, convenient or incidental to the exercise of all rights and powers in respect to its affairs and has all rights and powers appropriate to a City and County subject only to the restrictions and limitations contained in the Charter and that the specification or enumeration in the Charter of particular powers are not exclusive and that the exercise of all rights and powers of the City and County when not prescribed in the Charter shall be as provided by ordinance or resolution of the Board of Supervisors.

Section 1.102 of the Charter provides that the Board of Supervisors may by ordinance enacted under authority of the Charter provide a procedure for the exercising of any rights or powers belonging to the City and County; and the City and County is fully empowered under its Charter and the constitution and laws of the state to permit the construction and financing of public facilities in the manner contemplated by this Article.

Since the procedure therefor is not fully provided either by the provisions of the Charter or by the provisions of pertinent statutes, it is desired by this Board of Supervisors to provide a procedure permitting the construction and financing by nonprofit corporations of such public facilities as this board may determine to

permit to be constructed and financed by such procedure; and to permit a nonprofit corporation, the City of San Francisco Civic Plaza Parking Corporation, to construct and finance by such procedure an underground public off-street parking facility beneath the northerly one-half of the Civic Center Plaza.

There is now on file in the office of the Clerk of this Board a form of agreement and exhibits attached thereto between the City and County, the Recreation and Park Commission of the City and County, and the City of San Francisco Civic Plaza Parking Corporation, a nonprofit corporation organized and existing under the laws of the state, dated as of September 15, 1958, together with 11 exhibits referred to therein and attached thereto, which exhibits are identified as follows:

- A. Plans and specifications
- B. Performance bond
- C. Labor and material bond
- D. Joint invitation for bids
- E. Bid form
- F. Land lease
1. Bond indenture
2. City lease
3. Operating agreement
4. Deed of trust with assignment of rents
5. Assignment of lease

Such agreement is referred to in the office of the Clerk under its file No. 12568-6 and is incorporated herein by this reference as if fully set forth herein at length. (Ord. No. 579-58)

SEC. 10.119. PURPOSE; AUTHORITY FOR ENACTMENT. This Article is enacted for the purpose and pursuant to the authority recited in Section 10.118 of this Code and pursuant to the home rule powers enjoyed and exercised by the City and County with respect to its municipal affairs. (Ord. No. 579-58, Sec. 1)

SEC. 10.120. CONSTRUCTION AND FINANCING PURSUANT TO ARTICLE. When permitted by the Board of Supervisors, public facilities may be constructed or financed, or both, for the benefit of the inhabitants of the City and County in substantially the manner and in accordance with the general procedure established by the various documents approved by this Article for the construction and financing of the public off-street parking facility beneath the northerly one-half of Civic Center Plaza. (Ord. No. 579-58, Sec. 2)

SEC. 10.121. APPROVAL OF AGREEMENT FOR PARKING FACILITY BENEATH PORTION OF CIVIC CENTER PLAZA. The agreement, dated as of September 15, 1958, between the City and County, the Recreation and Park Commission, and the City of San Francisco Civic Plaza Parking Corporation and all of the exhibits referred to therein are hereby expressly approved and provided as the procedure permitting the construction and financing of the underground parking facility beneath the northerly one-half of the Civic Center Plaza and the Mayor is hereby authorized and requested to execute the agreement. (Ord. No. 579-58, Sec. 3)

SEC. 10.122. CALL FOR BIDS FOR CIVIC CENTER PLAZA PARKING FACILITY; AWARD AND EXECUTION OF LAND LEASE AND OPERATING AGREEMENT. The Director of Property is hereby authorized and directed to call for bids, jointly with the Recreation and Park Commission, for the land lease and operating agreement that are attached to the agreement approved as provided by Section 10.121 of this Code as exhibits, in accordance with the joint invitation for bids attached to the agreement as exhibit (d); and the award thereof shall be made by the Recreation and Park Commission and approved by this board. Following the award by the Recreation and Park Commission and approval by this board of the land lease and operating agreement award, the Mayor is hereby further authorized and requested to execute the land lease, city lease and operating agreement referred to in such agreement. (Ord. No. 579-58, Sec.4)

SEC. 10.123. EXECUTION AND ATTESTATION OF DOCUMENTS IN CONNECTION WITH CIVIC CENTER PLAZA PARKING FACILITY. The agreement, land lease, city lease and operating agreement shall each be executed in substantially the forms now on file with any changes therein that may hereafter become necessary which do not materially change any term or provision thereof. The Clerk of the Board of Supervisors is authorized and directed to attest the execution of the same. (Ord. No. 579-58, Sec. 5)

SEC. 10.124. CITY ACTING AS PARKING AUTHORITY OF CIVIC CENTER PLAZA PARKING FACILITY. It is hereby determined that with respect to the public off-street parking facility beneath the northerly one-half of the Civic Center Plaza, the City and County, in addition to its general powers, is hereby transacting business as and exercising the powers of a parking authority, and shall have jurisdiction and control over the facility and project. (Ord. No. 579-58, Sec. 6)

ARTICLE XV

CASH REVOLVING FUNDS

SEC. 10.125. CASH REVOLVING FUNDS — AUTHORIZED; PURPOSES GENERALLY. Cash revolving funds for departments are hereby continued or established in such amounts as have been or may be specifically appropriated or made available to each to be used in connection with the operations of the respective departments for making cash change, for making petty cash purchases and for disbursements which cannot be conveniently made by warrants drawn by the Controller upon the treasury of the City and County.

Such petty cash purchases and disbursements shall be for purposes and within funds available in the appropriations from which said revolving fund claims are to be reimbursed; and shall be in conformity with applicable rules and regulations prescribed by the Purchaser of Supplies and the Controller. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.126. CASH REVOLVING FUNDS — PURPOSES. Expenditures may be made from departmental revolving funds for such classes of transactions as may be in writing recommended by the department head, approved by the Chief Administrative Officer, board or commission, if any, and specifically concurred in by the Controller. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.127. CASH REVOLVING FUNDS — “CASH REVOLVING FUND,” CONSTRUED. The terms “departmental revolving fund” and “revolving fund,” in either the singular or plural, as used hereinafter, shall be taken to the inclusive of any subdivisions of any revolving fund which may be authorized. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.128. CASH REVOLVING FUNDS — SUBDIVISIONS OF FUNDS; WITHDRAWALS BY CHECK. The department head, board or commission, with the concurrence of the Controller, may authorize such subdivisions in any revolving fund as will effect the most efficient operation thereof; provided, however, that all amounts for other than cash change and petty cash purposes shall be maintained in banks or a bank designated by the department head, board or commission. Withdrawals from such banks shall be made by checks signed by a representative or by representatives designated by the department head, board or commission. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.129. CASH REVOLVING FUNDS — RESPONSIBILITY FOR AMOUNT OF FUNDS. The duly appointed and acting head of the respective department for which a revolving fund has been provided shall be responsible for the full amount of the revolving fund for his department. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.130. CASH REVOLVING FUNDS — ACCOUNTS; WARRANTS TO COVER APPROVED DISBURSEMENTS FROM FUND. The department head, board or commission shall cause a full, true and correct account to be kept of all money received for or disbursed from each revolving fund; and shall, at least once during each month after the continuance or establishment of such revolving fund, cause to be rendered to the Controller a full, true and correct account of all disbursements made from each revolving fund together with proper vouchers supporting the disbursements. Upon his or her approval thereof, the Controller shall draw a warrant in favor of the related revolving fund for the aggregate of the disbursements as approved by himself or herself. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.131. CASH REVOLVING FUNDS — REPAYMENT OF DISAPPROVED DISBURSEMENTS. The supporting vouchers for any disbursement from any revolving fund, which disbursement has been disapproved by the Controller as in his or her opinion, acting under Section 6.303 of the Charter, not being authorized by law or the rules and regulations as provided for in this Article, shall be returned to the department head involved with a demand, upon such department head, to repay to the related revolving fund, within 30 days of the demand aforesaid, the amount of the disapproved disbursement.

SEC. 10.122. CALL FOR BIDS FOR CIVIC CENTER PLAZA PARKING FACILITY; AWARD AND EXECUTION OF LAND LEASE AND OPERATING AGREEMENT. The Director of Property is hereby authorized and directed to call for bids, jointly with the Recreation and Park Commission, for the land lease and operating agreement that are attached to the agreement approved as provided by Section 10.121 of this Code as exhibits, in accordance with the joint invitation for bids attached to the agreement as exhibit (d); and the award thereof shall be made by the Recreation and Park Commission and approved by this board. Following the award by the Recreation and Park Commission and approval by this board of the land lease and operating agreement award, the Mayor is hereby further authorized and requested to execute the land lease, city lease and operating agreement referred to in such agreement. (Ord. No. 579-58, Sec.4)

SEC. 10.123. EXECUTION AND ATTESTATION OF DOCUMENTS IN CONNECTION WITH CIVIC CENTER PLAZA PARKING FACILITY. The agreement, land lease, city lease and operating agreement shall each be executed in substantially the forms now on file with any changes therein that may hereafter become necessary which do not materially change any term or provision thereof. The Clerk of the Board of Supervisors is authorized and directed to attest the execution of the same. (Ord. No. 579-58, Sec. 5)

SEC. 10.124. CITY ACTING AS PARKING AUTHORITY OF CIVIC CENTER PLAZA PARKING FACILITY. It is hereby determined that with respect to the public off-street parking facility beneath the northerly one-half of the Civic Center Plaza, the City and County, in addition to its general powers, is hereby transacting business as and exercising the powers of a parking authority, and shall have jurisdiction and control over the facility and project. (Ord. No. 579-58, Sec. 6)

ARTICLE XV

CASH REVOLVING FUNDS

SEC. 10.125. CASH REVOLVING FUNDS — AUTHORIZED; PURPOSES GENERALLY. Cash revolving funds for departments are hereby continued or established in such amounts as have been or may be specifically appropriated or made available to each to be used in connection with the operations of the respective departments for making cash change, for making petty cash purchases and for disbursements which cannot be conveniently made by warrants drawn by the Controller upon the treasury of the City and County.

Such petty cash purchases and disbursements shall be for purposes and within funds available in the appropriations from which said revolving fund claims are to be reimbursed; and shall be in conformity with applicable rules and regulations prescribed by the Purchaser of Supplies and the Controller. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.126. CASH REVOLVING FUNDS — PURPOSES. Expenditures may be made from departmental revolving funds for such classes of transactions as may be in writing recommended by the department head, approved by the Chief Administrative Officer, board or commission, if any, and specifically concurred in by the Controller. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.127. CASH REVOLVING FUNDS — "CASH REVOLVING FUND," CONSTRUED. The terms "departmental revolving fund" and "revolving fund," in either the singular or plural, as used hereinafter, shall be taken to the inclusive of any subdivisions of any revolving fund which may be authorized. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.128. CASH REVOLVING FUNDS — SUBDIVISIONS OF FUNDS; WITHDRAWALS BY CHECK. The department head, board or commission, with the concurrence of the Controller, may authorize such subdivisions in any revolving fund as will effect the most efficient operation thereof; provided, however, that all amounts for other than cash change and petty cash purposes shall be maintained in banks or a bank designated by the department head, board or commission. Withdrawals from such banks shall be made by checks signed by a representative or by representatives designated by the department head, board or commission. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.129. CASH REVOLVING FUNDS — RESPONSIBILITY FOR AMOUNT OF FUNDS. The duly appointed and acting head of the respective department for which a revolving fund has been provided shall be responsible for the full amount of the revolving fund for his department. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.130. CASH REVOLVING FUNDS — ACCOUNTS; WARRANTS TO COVER APPROVED DISBURSEMENTS FROM FUND. The department head, board or commission shall cause a full, true and correct account to be kept of all money received for or disbursed from each revolving fund; not shall, at least once during each month after the continuance or establishment of such revolving fund, cause to be rendered to the Controller a full, true and correct account of all disbursements made from each revolving fund together with proper vouchers supporting the disbursements. Upon his or her approval thereof, the Controller shall draw a warrant in favor of the related revolving fund for the aggregate of the disbursements as approved by himself or herself. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.131. CASH REVOLVING FUNDS — REPAYMENT OF DISAPPROVED DISBURSEMENTS. The supporting vouchers for any disbursement from any revolving fund, which disbursement has been disapproved by the Controller as in his or her opinion, acting under Section 6.303 of the Charter, not being authorized by law or the rules and regulations as provided for in this Article, shall be returned to the department head involved with a demand, upon such department head, to repay to the related revolving fund, within 30 days of the demand aforesaid, the amount of the disapproved disbursement.

Upon the expiration of the 30 days aforesaid, if the amount of the disapproved disbursement has not been repaid, the Controller shall withhold the amount thereof from any sums due and payable to the department head for the related revolving fund; and in writing notify the City Attorney of the full particulars of the case with a request that the City Attorney take such action as may be necessary to effect the required full repayment. A copy of such notification and request shall be simultaneously submitted to the Board of Supervisors. The Controller and the City Attorney are hereby authorized and directed to proceed as in this paragraph provided.

In the event of termination of service of the department head responsible for the revolving fund, before full repayment thereto has been made as hereinabove set forth, the Controller shall have the right to withhold from any sums due and payable to the person aforesaid including but not restricted to the person's retirement accumulations or credits until repayment has been made in full. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.132. CASH REVOLVING FUNDS — AIRPORT; \$20,000.
(Amended by Ord. 597-82, App. 12/24/82)

SEC. 10.132-5. CASH REVOLVING FUNDS — SAN FRANCISCO ART COMMISSION; \$3,500. (Added by Ord. 20-71, App. 1/26/71)

SEC. 10.133. CASH REVOLVING FUNDS — ASSESSOR; \$2,000.
(Added by Ord. 17-62, App. 1/17/62)

SEC. 10.135. CASH REVOLVING FUNDS — CENTRAL PERMIT BUREAU; \$100 (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.136. CASH REVOLVING FUNDS — CITY ATTORNEY; \$5,000. (Amended by Ord. 76-82, App. 2/1/82)

SEC. 10.137. CASH REVOLVING FUNDS — CIVIC AUDITORIUM; \$50. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.138. CASH REVOLVING FUNDS — CIVIL SERVICE COMMISSION; \$1,000. (Amended by Ord. 349-75, App. 8/6/75)

SEC. 10.139. CASH REVOLVING FUNDS — CONTROLLER; \$100.
(Added by Ord. 17-62, App. 1/17/62)

SEC. 10.140. CASH REVOLVING FUNDS — COUNTY CLERK; \$500.
(Amended by Ord. 346-77, App. 7/21/77)

SEC. 10.141. CASH REVOLVING FUNDS — FINE ARTS MUSEUM; \$1000. (Amended by Ord. 236-73, App. 6/22/73)

SEC. 10.141A. CASH REVOLVING FUNDS — ASIAN ARTS MUSEUM; \$1000. (Added by Ord. 182-83, App. 4/8/83)

SEC. 10.142. CASH REVOLVING FUNDS — DISASTER CORPS; \$200. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.143. CASH REVOLVING FUNDS — ELECTRICITY, DEPARTMENT OF; \$4000. (Amended by Ord. 350-81, App. 6/16/81)

SEC. 10.144. CASH REVOLVING FUNDS — FARMERS' MARKET; \$150. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.144-5. CASH REVOLVING FUNDS — FIRE DEPARTMENT; \$3,000. (Amended by Ord. 446-85, App. 9/27/85)

SEC. 10.145. CASH REVOLVING FUNDS — HETCH HETCHY PROJECT; \$20,000. (Amended by Ord. 519-81, App. 10/30/81)

SEC. 10.146. CASH REVOLVING FUNDS — JUVENILE PROBATION COMMITTEE; \$5,000. (Amended by Ord. 511-80, App. 10/29/80)

SEC. 10.147. CASH REVOLVING FUNDS — LAGUNA HONDA HOME; \$15,000. (Amended by Ord. 292-86, App. 7/3/86)

SEC. 10.148. CASH REVOLVING FUNDS — MAYOR; \$1,000. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.149. CASH REVOLVING FUNDS — MUNICIPAL COURT; \$500. (Amended by Ord. 346-86, App. 8/15/86)

SEC. 10.150. CASH REVOLVING FUNDS — MUNICIPAL RAILWAY; \$218,516. (Amended by Ord. 20-86, App. 2/7/86)

SEC. 10.151. CASH REVOLVING FUNDS — PARKING AUTHORITY; \$500. (Amended by Ord. 202-83, App. 4/11/83)

SEC. 10.152. CASH REVOLVING FUNDS — PUBLIC ADMINISTRATOR; \$5,000. (Amended by Ord. 576-83, App. 12/2/83)

SEC. 10.153. CASH REVOLVING FUNDS — PUBLIC DEFENDER; \$600. (Amended by Ord. 346-83, App. 3/18/83)

SEC. 10.154. CASH REVOLVING FUNDS — PUBLIC HEALTH, CENTRAL OFFICE; \$20,000. (Amended by Ord. 188-81, App. 4/20/81)

SEC. 10.154-1. CASH REVOLVING FUNDS — PUBLIC HEALTH, COMMUNITY MENTAL HEALTH SERVICES VOCATIONAL REHABILITATION REVOLVING FUND; \$2,000. (Added by Ord. 597-83, App. 12/16/83)

SEC. 10.155. CASH REVOLVING FUNDS — PUBLIC LIBRARY; \$20,000. (Amended by Ord. 594-79, App. 12/3/79)

SEC. 10.156. CASH REVOLVING FUNDS — PUBLIC UTILITIES COMMISSION; \$6,400. (Amended by Ord. 138-84, App. 4/6/84)

SEC. 10.157. CASH REVOLVING FUNDS — DEPARTMENT OF SOCIAL SERVICES; \$6,000. The Controller is hereby authorized to temporarily transfer \$100,000 from the current appropriation for Aid to Families with Dependent Children (AFDC) and \$200,000 from the current appropriation for General Assistance to a separate revolving fund to provide funds for immediate need checks for welfare cases, instead of food, rent, commodity and cash emergency orders, and for the replacement of mutilated checks. Any funds remaining in said revolving fund account shall be returned to the AFDC and General Assistance appropriations at the end of each fiscal year. If the need continues, however, the Controller may temporarily transfer, not to exceed \$100,000 and \$200,000, from subsequent fiscal year AFDC and General Assistance appropriations, respectively, in the same manner. (Amended by Ord. 494-80, App. 10/24/80)

SEC. 10.158. CASH REVOLVING FUNDS — PUBLIC WORKS; \$55,000. (Amended by Ord. 403-86, App. 10/3/86)

SEC. 10.158-2. CASH REVOLVING FUNDS — WASTEWATER PROGRAM; \$5,000. (Added by Ord. 453-79, App. 9/7/79)

SEC. 10.159. CASH REVOLVING FUNDS — RECORDER; \$500. (Amended by Ord. 71-68, App. 4/3/68)

SEC. 10.160. CASH REVOLVING FUNDS — RECREATION AND PARK DEPARTMENT; \$17,250. (Amended by Ord. 442-83, App. 9/2/83)

SEC. 10.161. CASH REVOLVING FUNDS — RECREATION CAMP; \$3000. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.162. CASH REVOLVING FUNDS — REGISTRAR OF VOTERS; \$750, (WITH CEILING OF \$300 FOR EACH PURCHASE). (Amended by Ord. 476-81, App. 9/21/81)

SEC. 10.163. CASH REVOLVING FUNDS — SAN FRANCISCO GENERAL HOSPITAL; \$25,000. (Amended by Ord. 188-81, App. 4/20/81)

SEC. 10.164. CASH REVOLVING FUNDS — SHERIFF; \$3,300. (Amended by Ord. 441-83, App. 9/2/83)

SEC. 10.165. CASH REVOLVING FUNDS — TAX COLLECTOR; \$4500. (Added by Ord. 17-62, App. 1/1 7/62)

SEC. 10.166. CASH REVOLVING FUNDS — WATER DEPARTMENT; \$98,000. (Amended by Ord. 32-85, App. 1/17/85)

SEC. 10.167. CASH REVOLVING FUNDS — WEIGHTS AND MEASURES; \$50. (Added by Ord. 17-62, App. 1/17/62)

SEC. 10.168. CASH REVOLVING FUNDS — ADULT PROBATION, DEPARTMENT OF; \$200. (Added by Ord. 17-62 App. 1/17/62)

SEC. 10.169. CASH REVOLVING FUNDS — SAN FRANCISCO PORT COMMISSION; \$560,000. (Amended by Ord. 165-81, App. 4/8/81)

SEC. 10.169-1. CASH REVOLVING FUNDS — SAN FRANCISCO CITY AND COUNTY EMPLOYEES' RETIREMENT SYSTEM; \$500. (Added by Ord. 169-71, App. 7/8/71)

SEC. 10.169-3. CASH REVOLVING FUNDS — BOARD OF SUPERVISORS; \$500. (Added by Ord. 44-76, App. 2/27/76)

SEC. 10.169-4. CASH REVOLVING FUNDS — POLICE DEPARTMENT; \$12,000. (Amended by Ord. 163-85, App. 3/28/85)

SEC. 10.169-5. S. F. WAR MEMORIAL — \$2,000. (Added by Ord. 463-83, App. 9/15/83)

SEC. 10.170. LIMITATIONS UPON APPLICATION FOR OR RECEIPT OF GRANT. Except as set forth herein, no application for a federal, State or other grant involving any project or program shall be filed or authorized by any officer, employee, board or commission unless first recommended by the Mayor and approved by the Board of Supervisors.

Every officer, employee, board or commission shall transmit any such application to the Mayor for his or her review and recommendation and to the Board of Supervisors for its review and approval. The Board of Supervisors shall not approve such filing unless the application has first been recommended by the Mayor and the Controller has certified that appropriate indirect costs are included in the application. Nothing contained herein shall be construed to limit the action of officers, boards or commissions or their authorized representatives in the preliminary development and preparation of the application and related documents. The provisions of this Section shall not be applicable to applications authorized by Resolution No. 318-71 for federal or State grants for sewage treatment works; provided, however, that the Director of Public Works shall forthwith notify the Mayor of the filing of such application or the receipt of any such grant. Every application shall contain provisions for the reimbursement of all allowable administrative expenses incurred by the City and County in services necessary for the performance of the project or program.

Every department or office shall establish rates for such administrative services (indirect costs), which shall be fixed in accordance with a directive of and

approved by the Controller. Said rates shall be the basis for determining administrative expenses to be reimbursed to the City and County of San Francisco from grant proceeds.

Every department or office submitting to the Board of Supervisors a budget for grants received from public funds shall conform to proposed budgets recommended by the Mayor and approved by the Board. In making actual line item expenditures from such an approved budget, the department or office may reallocate or transfer funds within the total approved budget amount; provided, that when any line item is modified or increased by more than 15 percent copies of any modification or increase documents which are transmitted to federal or State agencies shall be transmitted also to the Finance Committee.

The budget approved by the Board of Supervisors shall be contained in the authorizing resolution or set forth in the Board of Supervisors' file therefor. (Amended by Ord. 93-86, App. 3/21/86)

SEC. 10.170-1. ACCOUNTING FOR GRANTS; DUTIES OF CONTROLLER, OFFICERS, BOARDS OR COMMISSIONS. Upon receipt of a federal, State or other grant, the officer, employer, board or commission authorized to file application therefor pursuant to the provisions of Section 10.170 hereof, shall forthwith notify the Controller of such receipt. The Controller shall keep accounts of all such grants adequate to record the status of any such grant during the life thereof. All officers, boards or commissions shall keep such records and render to the Controller such reports as the Controller may require to comply with the provisions of this Section. (Added by Ord. 129-73, App. 4/5/73)

SEC. 10.170-2. ACCEPTANCE OF PROVISIONS OF SECTION 13522 OF PENAL CODE. The City and County of San Francisco hereby declares that it desires to qualify for receipt of aid for peace officers' training from the State of California under the provisions of Chapter 1, Title 4, Part 4 of the California Penal Code. And pursuant to Section 13522 of said Chapter 1, the City and County of San Francisco does hereby undertake and agree to adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

Any resolution of the Board of Supervisors authorizing the filing of an application for financial aid from the California Peace Officers' Training Fund, and authorizing acceptance thereof, shall include the provisions of the immediately preceding section. (Amended by Ord. 134-75, App. 4/9/75)

SEC. 10.170-3. LIMITATIONS UPON EXPENDITURE OF GRANT FUNDS. Notwithstanding the provisions of Section 11.1 of Ordinance No. 244-77 (Annual Appropriation Ordinance, Fiscal Year 1977-1978), no federal, State or other grant funds received by any officer, employee, board or commission pursuant to an application filed in accordance with the provisions of Section 10.170 of this Article shall be expended in whole or in part unless and until such expenditure is approved by the Board of Supervisors. (Added by Ord. 469-78, App. 10/20/78)

SEC. 10.170-4. PROBATION AND CORRECTIONS OFFICERS TRAINING FUNDS. (a) The City and County of San Francisco hereby declares

that it desires to receive aid from the State of California for the training of local probation and corrections officers under the provisions of Part 3, Title 7, Chapter 5, commencing with Section 6035 of the California Penal Code.

(b) The City and County of San Francisco, while receiving aid from the State of California pursuant to Section 6035 et seq. of the California Penal Code, will adhere to the standards of recruitment and training established by the California Board of Corrections; provided, however, that the costs of such compliance are fully reimbursed or reimbursable by the State of California and no additional costs will be incurred by the City and County.

(c) Any resolution of the Board of Supervisors authorizing the filing of an application for financial aid from the Board of Corrections Standards and Training of Local Corrections and Probation Officers Program and authorizing acceptance thereof shall include the provisions of Paragraph (b) of this Section. (Added by Ord. 540-80, App. 11/17/80)

SEC. 10.171. CODE ENFORCEMENT. The Director of Public Works is hereby empowered, authorized and directed, with the approval of the Chief Administrative Officer to do any and all things necessary to plan and carry out any program of concentrated code enforcement required by contract between the City and County and the Secretary of the Department of Housing and Urban Development of the United States and for the assistance of which a code enforcement grant has been made to the City and County by said secretary pursuant to the provisions of Section 117 of Title I of the Housing Act of 1949, as amended. (Added by Ord. 279-66, App. 11/21/66)

SEC. 10.172. AUTHORIZING ACCEPTANCE OF STATE AID FOR ALCOHOLISM PROGRAMS. The Director of Public Health with the approval of the Chief Administrative Officer is authorized to apply to and accept aid from the State Department of Vocational Rehabilitation for alcoholism programs conducted by the Department of Public Health. (Added by Ord. 41-68, App. 2/29/68)

SEC. 10.172-1. APPLICATION AND ACCEPTANCE OF FEDERAL FUNDS, SPECIAL SERVICES FOR YOUNG MENTALLY-RETARDED ADULTS. The Director of Public Health, with the approval of the Chief Administrative Officer, is authorized to apply to and accept funds from the United States Department of Health, Education and Welfare for the purpose of providing day treatment center services for disturbed young mentally retarded adults. Utilization of such funds shall be subject to the rules, regulations and operating procedures of the City and County of San Francisco, including approval by the Board of Supervisors through budgetary process. Utilization of such funds shall not be predicated on additional appropriations by the City and County of San Francisco except with the prior approval of the Board of Supervisors. No program authorized by this Section shall be continued beyond the period for which federal funding is provided as hereinabove set forth. (Added by Ord. 76-69, App. 2/28/69)

SEC. 10.173. FINDINGS. It is hereby declared:

That firearms have been and are being discharged at peace officers and firemen engaged in the performance of their official duties within the City and County of San Francisco;

That such incidents have caused and are causing disruption in the police and fire protection programs being carried out in said City and County and constitute a menace to the health, safety, morals and welfare of the residents thereof and impair economic values;

That the apprehension and conviction of any person or persons responsible for such incidents will deter others from the commission of similar acts and is necessary for the immediate preservation of the public peace, health, safety and welfare in said City and County in that it will enable the continuous provision of complete police and fire protection to the entire community free from the danger of such incidents; and

That it is in the public interest that a reward be offered for information leading to the arrest and conviction of any person or persons discharging a firearm at or in the direction of a peace officer or a fireman while said peace officer or fireman is engaged in the performance of his or her official duties within the City and County of San Francisco. (Added by Ord. 363-68, App. 12/26/68)

SEC. 10.174. DISCHARGING FIREARM AT PEACE OFFICERS OR FIREMEN; REWARD. The Mayor may, upon application of the Chief of Police or the Chief of the Fire Department, or at his or her own discretion, offer a reward of not more than \$5,000 for information leading to the arrest and conviction of any person who, in violation of any applicable statute of the State of California, discharges any firearm at or in the direction of a peace officer or a fireman while said peace officer or fireman is engaged in the performance of his or her official duties within the City and County of San Francisco. Any such reward which may become payable under the order of the Mayor shall be paid out of the treasury of the City and County of San Francisco. (Added by Ord. 363-68, App. 12/26/68)

SEC. 10.176. REWARDS; INELIGIBLE PERSONS. The Mayor of the City and County of San Francisco is hereby authorized to offer a reward not to exceed \$5,000, payable out of the treasury of the City and County, for the furnishing of information leading to the apprehension and conviction of any person or persons who willfully destroy or damage property of the City and County or who commit within the City and County criminal acts against the person or residence of a public officer or employee. No peace officer or any other person barred by Charter provisions or statute from receiving rewards shall be eligible to claim a reward hereunder. (Added by Ord. 87-70, App. 3/26/70)

SEC. 10.177. PAYMENT. The Controller is hereby authorized and directed to pay out of any appropriation created for the purpose any reward authorized by the Mayor pursuant to the provisions of Section 10.176 hereof, provided that a claim therefor is filed within 60 days after conviction and said claim is approved by the Mayor. (Added by Ord. 87-70, App. 3/26/70)

SEC. 10.177-1. WILLFUL MISCONDUCT RESULTING IN INJURY OR DEATH OF PERSONS OR DAMAGE, DESTRUCTION OR THEFT OF

PROPERTY; REWARD; PAYMENT. (a) Pursuant to the provisions of Section 53069.5 of Government Code, the Mayor is hereby authorized, from time to time, to offer a reward, not to exceed \$100,000, payable out of the treasury of the City and County for the furnishing of information leading to the determination of the identity, apprehension and conviction of any person whose willful misconduct results in injury or death to any person or who willfully damages, destroys or appropriates any property.

(b) A claim must be filed within 60 days after conviction and said claim must be recommended by the Mayor and approved by the Board of Supervisors. If more than one claim is approved, the offered reward shall be paid to the claimants on a pro-rata basis. Recommended claims shall be transmitted to the Board of Supervisors within 45 days after expiration of the claim filing period. (Amended by Ord. 460-79, App. 9/17/79)

SEC. 10.178. ESTABLISHMENT OF A SPECIAL RECREATION AND PARK REVENUE FUND. There is hereby established a special fund for the purpose of receiving revenues accruing from the use or lease of all Recreation and Park Department facilities and from the issuance of any permit, license, lease or contract pertaining to the use of property under the jurisdiction of the Recreation and Park Commission, other than those revenues hereafter specifically excluded, this special fund to be known as the Recreation and Park Fund. This fund shall be used for any expense that may arise in connection with the construction, improvement, maintenance, repair, operation or administration of property under the jurisdiction of the Recreation and Park Commission and any facilities on such property. These purposes may include, but shall not be limited to, the following:

- (a) Administrative expenses for collection of fees.
- (b) Improvement to facilities.
- (c) Rehabilitation, reconstruction and maintenance of Recreation and Park Department properties and facilities.
- (d) Purchase or repair of equipment.
- (e) Publication of informational brochures and pamphlets.
- (f) Purchase of materials and supplies.
- (g) Services of other departments.
- (h) Bond debt.
- (i) Contractual service.
- (j) Professional special services.
- (k) Insurance.

Notwithstanding the purposes set forth above, this fund shall not be used to pay salaries or other costs incurred in employing Recreation and Park Department personnel.

In the accomplishment of the above purposes it is the intent of the Board of Supervisors to use revenues from this fund as a supplement to appropriations made to the Recreation and Park Department in the annual appropriation ordinance.

This ordinance does not apply to any fees or revenues generated in connection with the operation of Candlestick Park, the Marina Yacht Harbor, or the San Francisco County Fair Fund.

The revenues in this special fund shall be set aside for the purposes set forth above and appropriations therefrom shall be by the Board of Supervisors pursuant to the budget and fiscal provisions of the Charter. (Amended by Ord. 569-81, App. 11/30/81)

SEC. 10.179. ESTABLISHMENT OF A SPECIAL GOLF FUND. There is hereby established a special fund for the purpose of receiving those golf registration, green fees and other fees collected from concessions related to the operation of San Francisco's municipally owned and operated golf courses exceeding the sum of \$630,000 annually, said special fund to be known as the San Francisco Golf Fund. Said special fund shall be used solely for the following purposes:

- (a) Administrative expenses for collection of fees.
- (b) Purchase and installation of automatic irrigation systems.
- (c) Rehabilitation and reconstruction of golf course facilities and properties.
- (d) Improvement to concession facilities.
- (e) Purchase of equipment.
- (f) Maintenance personnel.
- (g) Publication of informational brochures and pamphlets.
- (h) Development of improved graphics for golf courses.

In the accomplishment of the above purposes it is the intent of the Board of Supervisors to use the funds collected from golf registration and green fees as a supplement to the funds appropriated for the maintenance and operation of the golf courses.

It is the intent of the Board of Supervisors to reserve to the general fund the first \$630,000 collected annually from golf registration, green fees and concession fees since the historic level of income generated by golf operations and deposited in the general fund for the 10-year period 1960-1961 to 1969-1970 prior to adoption of the new schedule of fees was \$631,461.

The moneys in said special fund shall be set aside for the aforesaid purposes and appropriations therefrom shall be by the Board of Supervisors pursuant to the budget and fiscal provisions of the Charter. (Added by Ord. 112-73, returned unsigned 3/30/73)

ARTICLE XVI

COLLECTION ACTIVITIES

SEC. 10.180. SERVICE CHARGE — ADULT PROBATION OFFICER. Pursuant to Welfare and Institutions Code No. 580.5, there is hereby established a service charge to be collected by the Adult Probation Officer and paid into the County General Fund, of two percent in addition to all amounts collected by said officer in any of the following instances:

- (a) Money payable to spouse or child in an action for divorce, separate maintenance, or similar action, together with court costs and attorney fees, upon order of a court of competent jurisdiction.

(b) Money payable to a child, wife, or indigent parent when it has been alleged or claimed that there has been a violation of either Nos. 270, 270(a) or 270(c) of the Penal Code and the matter has been referred to the probation officer by the District Attorney. (Added by Ord. 151-69, App. 4/30/69)

SEC. 10.181. WARRANT TO BE PRESENTED WITHIN ONE YEAR.

Except a warrant issued for the giving of aid, any other warrant drawn on the Treasurer of the City and County of San Francisco is void if not presented to the City and County Treasurer within one year after its date of issuance. (Amended by Ord. 368-84, App. 8/24/84)

SEC. 10.182. LOST WARRANTS. Any time within three years from the date on which the original warrant becomes void, the payee or assignee on any warrant which is void may present such warrant to the Controller, or declare by affidavit, filed with the Controller, that such warrant has been lost or destroyed, and the Controller is authorized to draw a new warrant in favor of the payee in the same amount as the original warrant. Any such new warrant shall be subject to the same limitations as the original warrant which it replaces. (Amended by Ord. 368-84, App. 8/24/84)

SEC. 10.184. FINGERPRINT PROCESSING FUND ESTABLISHED;

USES. There is hereby established a special fund for purposes of receiving fees collected by the Police Department for services rendered in connection with the imprinting and processing of fingerprints. This fund shall be known as the "Fingerprint Processing Fund." Said special fund shall be used solely for the following purposes: to pay any and all fees necessary, in accordance with the budget and other fiscal provisions of the Charter, to any other governmental agency required by law to collect fees from the Police Department for services rendered in connection with the imprinting or processing of fingerprints. (Added by Ord. 225-71, App. 9/2/71)

SEC. 10.185. CREATION OF SPECIAL FUND; PROVIDING FOR THE EXPENDITURES THEREFROM. The Controller is hereby authorized and directed to accept warrants issued by the State of California, through participation in the Drug Abuse Law Enforcement Program sponsored by the United States Department of Justice, and drawn in favor of the City and County of San Francisco, and to deposit said funds in a special account to be known as the "DALE Account."

The funds so provided shall be used exclusively for the purpose of paying the salaries of temporary police officers, overtime for sworn personnel detailed or assigned to the DALE program; and for the purchase of insurance as is necessary for the employees of the City and County of San Francisco participating in the Drug Abuse Law Enforcement Program and to the extent that funds for such purposes are available in said "DALE Account."

Temporary police officers whose salaries are paid from this fund shall be subject to all applicable rules of the Civil Service Commission and the Charter of the City and County of San Francisco.

All expenditures from this fund shall be made for the purposes of this fund and in accordance with the budget and other fiscal provisions of the Charter.

Any unexpended balances remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. (Added by Ord. 259-72, App. 8/31/72)

SEC. 10.187. ESTABLISHMENT OF A SPECIAL ANIMAL PURCHASE AND EXCHANGE FUND. There is hereby established a special fund for the purpose of receiving funds derived from the sale or exchange of animals at the San Francisco Zoological Gardens, said special fund to be known as the Animal Purchase and Exchange Fund. Said special fund shall be used solely for expenses necessary for, and incidental to the purchase, sale or exchange of animals for the San Francisco Zoological Gardens, including, but not limited to, the following:

- (a) Administrative expenses other than the payment of salaries to City and County employees and officials;
- (b) Freight or shipping charges;
- (c) Insurance requirements;
- (d) The purchase or construction of crates for transportation;
- (e) Expenses incurred in obtaining any permits, including federal or state permits, or permits from foreign entities;
- (f) Expenses arising when a quarantine of an animal is necessary; and
- (g) The purchase price of animals.

In accordance with the provisions of Administrative Code Section 10.116, the Board of Supervisors shall approve the acceptance of all gifts valued at greater than \$5.000.

Any revenue appropriated by the Board of Supervisors to the Special Animal Purchase and Exchange Fund and any money placed in the fund from any other source may be expended for the purposes set forth herein solely by action of the Recreation and Park Commission.

Any unexpended balances remaining in the fund at the close of any fiscal year shall be deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. All expenditures and any remaining balances in the fund shall be reported to the Board of Supervisors each year concurrent with the submission of the budget. (Added by Ord. 606-81, App. 12/24/81)

SEC. 10.191. ESTABLISHMENT OF A TRANSIT INFORMATION FUND. (a) **Authority.** The Municipal Railway is hereby authorized to reproduce or otherwise prepare and sell monographs and illustrated printed material dealing with San Francisco transit history and operations, said authority to include arranging for the sale of souvenir items, including those converted from the transit system's scrap and waste materials in accordance with procedures set forth and approved by the Purchaser of Supplies.

(b) **Establish Fund.** There shall be established in the treasury of the City and County of San Francisco a special fund to be known and designated as the Municipal Railway Transit Information Fund into which shall be deposited all monies received from the sale of any and all of the aforementioned items, pursuant to the authority herein contained.

The Municipal Railway is hereby authorized to accept any gift, devise or bequest for this purpose.

(c) **Use of Money in Fund.** The monies received into the fund are hereby appropriated exclusively for the purposes set forth herein and to encourage patronage of the Municipal Railway through increased public awareness of the advantages of its services, facilities and programs.

(d) **Administration of an Expenditure from Fund.** The sales price for said items shall be fixed jointly by the General Manager of the Municipal Railway and the Purchaser of Supplies.

An annual report shall be submitted in writing to the Mayor, to the Controller, to the Board of Supervisors and to the Public Utilities Commission by the General Manager of the Municipal Railway, said annual report showing the total receipts and disbursements of the preceding year together with a description of the items prepared for sale.

Balances not in excess of \$10,000 remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein. Monies in excess of \$10,000 shall be transferred to the General Fund.

(e) **Supersedes Section 8.12.** The provisions of Section 8.12 of Chapter 8 of this Administrative Code shall not apply to monographs and sales made under the authority of this Section. (Amended by Ord. 273-72, App. 9/20/72)

SEC. 10.192. ESTABLISHMENT OF AN EXAMINATION RESEARCH AND DEVELOPMENT FUND. (a) **Authority.** The General Manager, Personnel of the Civil Service Commission, is authorized to set fee schedules and negotiate contracts for the lease of confidential examination material and for the provision of consultant services.

(b) **Establish Fund.** There shall be established in the treasury of the City and County of San Francisco a special fund to be known and designated as the Civil Service Commission Examination Research and Development Fund into which shall be deposited all monies received from the lease of examination material and the provision of consultant services.

(c) **Use of Money in Fund.** The monies received into the fund shall be used for the purpose of examination, research and development.

(d) **Administration of Expenditures From Fund.** All expenditures from this fund shall be made for the purpose of this fund and in accordance with the budgetary provisions of the Charter.

Any unexpended balances remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said fund for the purposes recited herein, except that monies in excess of \$10,000 shall be transferred to the General Fund

(e) **Confidentiality of Material.** Examination material shall remain the confidential property of the Civil Service Commission and the specific details of leased materials shall not be listed in financial or other reports other than in confidential records of the Civil Service Commission.

(f) **Supersedes Other Provisions.** The provisions of Section 8.12 of Chapter 8 of this Administrative Code and other conflicting provisions of this Code shall not apply to documents leased under authority of this Section. (Added by Ord. 261-75, App 6/11/75)

SEC. 10.193. ANNUAL ARTS FESTIVAL HANDLING FEES; COLLECTION; ESTABLISHMENT OF FUND. (a) **Definitions.** For the purposes of this Section, the following words or phrases shall mean or include:

(1) "Annual Arts Festival." The San Francisco Annual Arts Festival held once each year in the San Francisco Civic Center Plaza under the auspices of the San Francisco Art Commission.

(2) "Art Commission." The Art Commission of the City and County of San Francisco.

(3) "Handling Fees." That money which must be paid, according to Paragraph (b) of this Article, by each artist, craftsperson, group, college or state university applying to the Art Commission to exhibit in the Annual Arts Festival, accepting an invitation to exhibit in such festival, or accepting allotment of a central location site as discussed below in Paragraph (b) (3) of this Article.

(4) "Artist" or "Craftsperson." Any person who at the opening of the Annual Arts Festival shall have been a resident of the nine Bay Area Counties for at least one year; and who applies or accepts the invitation to exhibit creative and original works of his or her own design and making in the Annual Arts Festival, such as would be accepted for exhibition in an art museum. The nine Bay Area Counties are San Francisco, San Mateo, Santa Clara, Alameda, Contra Costa, Marin, Sonoma, Napa and Solano. Proof of such residence shall be such as is acceptable to the Art Commission or the Director of the Annual Arts Festival.

(5) "Director." Director of the Annual Arts Festival appointed by the Art Commission to administer the Annual Arts Festival.

(6) "Visual Arts Committee." The Visual Arts Committee of the Art Commission.

(7) "Screening Committee." Those seven person appointed by the Art Commission on the recommendation of the Visual Arts Committee, which shall have considered all names submitted in writing to the Visual Arts Committee by any person or art organization at least five months prior to the opening date of the Annual Arts Festival as scheduled by the Art Commission.

(b) **Handling Fees.**

(1) **Application Fees.** Handling fees shall be paid to the Art Commission by any artist, craftsperson, college or state university when submitting an application to be considered as a potential exhibitor in the Annual Arts Festival as follows:

(A) **Crafts.** Craftspersons shall pay \$1 per item submitted, but, at the least, a minimum of \$5.

(B) **Fine Arts.** For works not exceeding the dimensions of four feet (horizontal) by six feet (vertical) the artist shall pay \$5 per item submitted, limited to submission of two items. For works of greater dimension than four feet (horizontal) by six feet (vertical), up to a maximum of seven feet six inches (vertical) the artist shall pay \$10. Not more than one work of dimensions greater than four feet

(horizontal) by six feet (vertical) may be submitted. No work of dimensions greater than seven feet six inches (vertical) may be submitted, except upon special permission of the Director and the fee of such entries shall be \$10.

(C) Display Case Exhibitor. Artists or craftspersons who are members of groups which will be exhibiting in the Annual Arts Festival may submit to the Director an application to be permitted to exhibit display cases containing items not for sale at the Annual Arts Festival and which would be in the care of the group with which such artist or craftsperson is affiliated. The artist or craftsperson submitting such display shall pay \$1 for each item to be contained in any such display case but, at the least, a minimum of five dollars.

(D) Invited Artists and Craftspersons. The Director may, in his or her discretion, invite any artists or craftspersons of established reputation and honor to participate in the Annual Arts Festival. Any artist or craftsperson accepting such invitation shall, at the time of such acceptance, pay those application fees described in Subparagraphs (1)(A), (1)(B) or (1)(C) of this Paragraph (b) as shall be applicable to such invitation and any craftspersons accepting such invitation shall also pay the exhibit fees set out in Subparagraph (C) of this Paragraph (b).

(2) Exhibition Fees. In addition to the application fees set out in (1)(C) above, all craftspersons whose works are accepted by the Screening Committee shall, the same day of receipt of notification of such acceptance, pay \$150 as an exhibition handling fee.

(3) Central Location Fees. The location of crafts displays at the Annual Arts Festival shall be decided by lottery conducted by Affiliated Art Groups with the concurrence of the Director. The time and place of such lottery will be established at least one month prior to the opening date of the Annual Arts Festival and such information will be disseminated to craftspersons by the Director in a timely manner. The Director shall have complete discretion in determining which display locations shall be considered "central location." A craftsperson allotted a "central location" shall, personally or through a representative, at the time of the lottery, pay \$20 for the privilege of displaying at such location. If any central location fee is not paid by a craftsperson or his or her representative at the time of the lottery, the "central location" originally allotted to such craftsperson shall be reallocated, by the same lottery method employed for original allotment, until allotted to a craftsperson who, personally or by a representative, does pay the central location fee.

The location of all displays other than those decided by lottery as described above shall be decided by the Director whose decision shall be final.

(4) College or State University Fees. Any college recognized by the State of California as a Community College, and any California State University, located within the nine Bay Area Counties listed in Subparagraph (4) of Paragraph (a) of this Article, may submit an application to the Director for permission to display an exhibit in the Annual Arts Festival. If the Director shall approve such application, such College or State University shall pay \$50 prior to the opening date of the Annual Arts Festival.

(5) **Fine Art Replacement Fund.** Any item of fine art shown for sale and sold in the Annual Arts Festival shall be immediately replaced by the artist who created it with an item of fine art of equal quality. Such artist shall pay to the Art Commission \$3 upon such replacement.

(6) **Payment of Handling Fees.** All fees established by this Article are Handling Fees as defined in Paragraph (a)(3) of this Article and shall be paid by certified check, cashier check or money order made payable to the Annual Arts Festival, San Francisco Art Commission.

(7) **Nonrefundable Nature of Handling Fees.** No Handling Fee established by this Article and paid to the Art Commission by or for any artist, craftsman, Community College or State University shall be refundable for any reason.

(c) **Displays Free of Handling Fees.** There shall be no handling fee charged for Annual Arts Festival displays in the following instances:

(1) **Education Display.** The Director, in his or her discretion, may permit any person, school or group to present in the Annual Arts Festival an exhibit of general educational benefit to the public.

(2) **Mini-shows.** The Director, in his or her discretion, may permit any artist or artists whom he or she deems to be deserving of public exposition to display his, or her or their works in a special pavilion on the grounds of the Annual Arts Festival.

(3) **Award of Honor.** The Art Commission, with the concurrence of the Director may, as part of the Annual Arts Festival, award an Exhibit of Honor to any artist or artists deemed by the Art Commission to deserve such honor on the basis of the artist's or artists' cultural contributions to the City and County of San Francisco. Such Exhibit of Honor shall be presented in the Capricorn Asunder Art Commission Gallery or any other location of the Director's choice.

(d) **Severability.** If any provision or provisions of this Article shall be held by a court of competent jurisdiction to be invalid for any reason, such provision or provisions shall be deemed to be severed from this Article and all other provisions of this Article shall be deemed to be in full force and effect. (Amended by Ord. 360-80, App. 8/1/80)

ARTICLE XVIII

GENERAL FUND COST RECOVERY PROCEDURES

SEC. 10.194. PURPOSES. Many of San Francisco's departments, offices, agencies, boards and commissions funded in whole or in part by the General Fund as defined below (hereinafter referred to as service rendering agencies) render services or provide facilities to other San Francisco departments, offices, agencies, boards and commissions funded in whole or in part by special funds as defined below (hereinafter referred to as recipient agencies).

The General Fund is derived from a number of taxes and other general revenue devices, the proceeds of which are not earmarked for specific purposes and are not deemed to fall into the category of special revenues. All other revenues are

special revenues and fall into special revenue funding. This ordinance makes a mutually exclusive distinction between the General Fund and Special Revenue Funds. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.195. CONTROLLER'S DUTIES. The San Francisco Controller (hereinafter referred to as the Controller) shall be charged with the responsibility for the administration of this Article.

The Controller shall prepare those budgetary procedures, regulations, reporting requirements and guidelines sufficient to enable him or her to determine for each service rendering agency the costs of its operation to the extent services are rendered or facilities provided to recipient agencies and, if not funded directly by recipient agencies, to allocate the cost of that operation on and amongst recipient agencies to the extent that these recipient agencies are funded from Special Fund sources. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.196. ANNUAL SURVEY. The Controller shall on an annual basis conduct a survey to determine which San Francisco agencies render services or provide facilities to (other San Francisco) non General Fund agencies and how much in terms of services and facilities are provided on an annual basis by each service rendering agency to each recipient agency. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.197. COMPUTATION OF GENERAL SERVICE CHARGE. Based on the aforementioned services, the Controller shall calculate the total cost of services rendered and facilities provided by all service rendering agencies to each recipient agency and, on a recipient agency by recipient agency basis, shall interpret that total cost into a specific percentage of each rendering agency's total annual expenditures. This percentage shall be known as the general service charge. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.198. DEPARTMENTAL BUDGET ESTIMATES. Each recipient agency as part of its annual budget estimate shall include in that estimate an allocation of funds for transfer to the General Fund sufficient to defray the anticipated cost of services to be rendered and facilities to be provided by all rendering agencies, calculated on the basis of its general service charge prepared by the Controller. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.199. CONTROLLER'S REVIEW. The Controller shall on an annual basis, as part of his or her duties in reviewing budget estimates submitted to him or her and consolidated by him or her for transmission to the Mayor, except as exempted by Section 10.199-1, verify that the annual budget for each recipient agency contains an allocation of funds for transfer to the General Fund sufficient to fund the cost of services to be rendered and facilities to be provided by all rendering agencies. In those cases where the Controller determines that the recipient agency has failed in its budget estimate to make the allocation of funds for transfer to the General Fund to defray the cost of rendering services or providing facilities to all

service rendering agencies, calculated pursuant to its general service charge, the Controller shall make the appropriate allocation by reducing expenditures for other items in the budget estimates. (Added by Ord. 152-80, App. 4/18/80)

SEC. 10.199-1. MAYOR'S OFFICE OF EMPLOYMENT AND TRAINING (MOET); EXCEPTIONS: FISCAL YEARS 1981-1982 AND 1982-1983. The provisions of Section 10.199 of this Article shall not apply to the Comprehensive Employment and Training Act (CETA) program administered by MOET for fiscal years 1981-1982 and 1982-1983; therefore, upon a determination by the Controller that MOET has failed in its budget estimate to make an allocation of funds for transfer to the general fund to defray the cost of rendering services or providing facilities, calculated pursuant to its general service charge, the Controller shall not make such allocation by reducing expenditures for other items in the budget estimates for said years. (Amended by Ord. 59-83, App. 2/4/83)

SEC. 10.200. ESTABLISHMENT OF A HEALTHY LIFESTYLE PROGRAMS FUND. (a) **Established.** There is hereby established a special fund for the purpose of receiving fees collected for: (1) health hazard appraisals; (2) risk reduction programs (such as smoking cessation, weight reduction, hypertension education and stress reduction); and (3) reimbursement of materials, and informational or training packets. Health Hazard Appraisal is an educational program which analyzes an individual's lifestyle and medical history. It then provides recommendations for lifestyle change (e.g., stop smoking, more exercise, lose weight) to improve one's health. The risk reduction programs provide education and support to help participants: (1) stop smoking; (2) lose weight; (3) lower their blood pressure, or (4) reduce stress. These healthy lifestyle programs are provided by the Department of Public Health's Bureau of Health Promotion and Education with the support of a five-year grant that ends on February 28, 1985.

Said special fund shall be known as the Healthy Lifestyle Program Fund. Said special fund shall be used solely for the following purposes:

- (1) Salary costs of instructors.
- (2) Purchase of supplies and support services.
- (3) Purchase of required materials and equipment.
- (4) Publication of informational manuals, brochures, pamphlets.
- (5) Staff development activities in support of the programs, including cost for travel and continuing education.
- (6) Other expenses incidental to the delivery of the programs.

(b) **Administration and Expenditures from Fund.** The monies in said special fund shall be set aside for the aforesaid purpose and are hereby appropriated therefore; expenditures therefrom shall be approved by the Director of Health and the Chief Administrative Officer.

Balances remaining in the fund at the close of any fiscal year shall have been deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter, and shall be carried forward and accumulated in said fund for the purposes recited herein.

If, in the future, monies from the General Fund are required or permitted to support programs, then any fees collected shall be used to reimburse the General Fund up to the amount of any local monies appropriated. (Amended by Ord. 359-82, App. 7/10/82)

SEC. 10.201. ESTABLISHMENT OF CONVENTION FACILITIES

FUND. There is hereby established a Convention Facilities Fund for the purposes of receiving all revenues accruing from the use of Moscone Center, Brooks Hall and Civic Auditorium and Hotel Room Tax Fund receipts as provided in Section 515(6), Part III, San Francisco Municipal Code, and any other funds transferred into the fund. Said special fund shall be used solely for the following purposes:

(a) Operation, maintenance, management and improvement of Moscone Center, Brooks Hall and Civic Auditorium; and

(b) Funding for the San Francisco Convention and Visitors Bureau, which funding shall be limited to an amount equivalent to 8.5 percent of the Hotel Room Tax collected; provided, however, that the Chief Administrative Officer may increase the amount of funding in excess of 8.5 percent as revenues increase. In administering this allocation the Chief Administrative Officer shall have the discretion consistent with the authority conferred by Charter Section 3.201 to allocate, budget and control the monies hereby allocated.

The moneys collected and deposited in the Convention Facilities Fund shall be specifically appropriated to the office of the Chief Administrative Officer for the purposes set forth above.

Any unexpended balances remaining in the Convention Facilities Fund at the close of any fiscal year shall be deemed to be provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said special fund for the purposes cited herein.

This ordinance shall become effective pursuant to the provision of Section 2.304 of the Charter. (Added by Ord. 58-82, App. 2/11/82)

ARTICLE XIX**DIVESTMENT**

SEC. 10.210. FINDINGS. The Board of Supervisors finds and declares that the City and County has a moral responsibility to take any lawful action to end racial discrimination. The government of South Africa has institutionalized racial discrimination under its law of apartheid, establishing a white monopoly of power and thereby denying its African, Colored and Asian citizens the right to participate in the political process or to benefit from an unbiased system of law. The Board of Supervisors finds and declares that the system of apartheid is morally repugnant to the people of the City and County. In reaction against the apartheid system many in South Africa are engaging in civil disobedience, resulting in the destabilization of the economy, making investment in South Africa imprudent.

Under this Article the City and County wishes to exercise its power to make economic decisions involving its own funds as a participant in the marketplace. The Board of Supervisors therefore finds and declares that it intends to exercise the City and County's right to measure the moral character of its business relations in determining with whom it shall conduct business. The Board of Supervisors acknowledges and promulgates this Article consistent with the approval of the electorate of Proposition "J," on the November 6, 1984 general election, calling for the divestment of the City and County's pension funds. The City enacts this Article

to prohibit deposits, investments or other specified uses of City funds with persons, financial institutions and other businesses which maintain business relations with South Africa entities. (Added by Ord. 36-86, App. 2/7/87)

SEC. 10.211. DEFINITIONS. As used in this Article, the following words and phrases shall have the meanings indicated herein:

A. "City" or "City and County" shall mean the City and County of San Francisco, or any department, board, commission or agency thereof.

B. "City funds" shall mean all monies or other assets received and managed by, or are otherwise under the control of, the Treasurer, and any notes, bonds, securities, certificates of indebtedness or other fiscal obligations issued by the City and County.

C. "Commodities" shall include, but not be limited to, goods, commodities, materials, supplies, vehicles, machinery, and equipment.

D. "Contract" shall include, but not be limited to, any contract, purchase order, term purchase agreement or other binding written obligation of the City and County.

E. "Contracting officer" shall mean that officer or employee of the City and County authorized under the Charter, the Administrative Code or the Municipal Code, to enter into a contract on behalf of the City and County. "Contracting Officer" shall include the Mayor, the Chief Administrative Officer, each department head or general manager and other employees of the City and County authorized to enter into contracts or other binding agreements on behalf of the City and County.

F. "Contractual Services," for purposes of Section 10.213, shall mean investment counseling, underwriting, acting as a trustee or escrow agent, providing any consulting advice or assistance under a professional or personal service contract. "Contractual Services" shall not include transactions of the City and County subject to Section 10.212 of this Article, or purchase orders, term purchase agreements or other agreements of the City and County for the purchase of a commodity under Section 10.214.

G. "Financial institutions" shall mean any bank, savings and loan, thrift, whether chartered or not by the United States or the state of California, or any other business entity whose primary purpose is the acceptance of monetary deposits, making of loans and the investing of monetary assets.

H. "Government of South Africa" or "South Africa" shall mean any public or quasi-public entity operating within the Republic of South Africa, including, but not limited to, municipal, provincial, national, or other government bodies (including all departments, agencies and other instrumentalities of such bodies), public utilities, public facilities, or any national corporation in which the public sector of the Republic of South Africa has a financial interest or operational responsibilities, and including Bantustans or so-called independent "Homelands."

I. "Loans" shall mean the provision of monies for a consideration and shall include the provision of lines of credit or loans made as a participant in lending consortia.

J. "Purchaser" shall mean the Purchaser of the City and County or any authorized representative of that official.

K. "Treasurer" shall mean the Treasurer of the City and County, or any authorized representative of that official. (Added by Ord. 36-86, App. 2/8/86)

SEC. 10.212. DEPOSIT AND INVESTMENT OF CITY FUNDS.

A. Prohibited Transactions.

1. No City funds shall be deposited or remain deposited in, or be invested or remain invested in, the accounts, certificates, stocks, bonds, securities, or other obligations of, or with any financial institution which after the effective date of this Article, makes or underwrites the security of, or any loan to:

(a) The government of South Africa; or
(b) Any business entity organized under the laws of South Africa and doing business in South Africa; or

(c) Any business entity for the express purpose of doing business with, conducting operations in, or trading with any public or private entity located in South Africa. In determining whether a deposit, loan or investment is made to another person or entity for the express purpose of assisting that other person or entity to do business with South Africa or any private business entity located in South Africa, the person or entity making the deposit, loan or investment will not be required to make any inquiry beyond that made in the normal course of that person's or entity's business.

2. Section 10.212(A)(1) shall not apply to the situation in which a financial institution:

(a) Honors a pre-existing contractual obligation having a term, or remaining term, not greater than five years from the effective date of this Article; or

(b) Engages in normal correspondent banking relationships other than providing deposits for, or making loans to, any financial institution organized and operating in South Africa; or

(c) Engages in activities required to assure repayment of credit provided before the effective date of this Article provided such activities do not involve the provision of new or additional monies.

B. Applicability. Section 10.212 is not intended to, and shall not, apply to activities of the Purchaser.

C. Affidavit Required; Effect of Noncompliance.

1. Before any City funds are deposited or invested with any person, entity or financial institution, the Treasurer shall obtain from each such person, entity or financial institution, an affidavit from a person authorized to present such documents, on a form prescribed by the Treasurer, certifying that it does not have any outstanding relationships of the type listed in Section 10.212(A)(1) or stating that the policy of the person, entity or financial institution is not to enter into a business relationship with, or make any loans to, entities of, or entities doing business in, South Africa, except as permitted in Subsection 10.212(A)(2) or until the system of apartheid is no longer law in South Africa. The affidavit shall further state that the person or entity or financial institution will promptly notify the Treasurer in writing, if it subsequently enters into any transaction described in Section 10.212(A)(1) or if its practice against entering into such transaction changes.

2. If the Treasurer determines that City funds have been deposited or invested with a person, entity or financial institution which subsequently comes into

noncompliance with this ordinance, the Treasurer shall effect the withdrawal or divestment of those funds within six months after the date of determination of noncompliance or, as provided in Section 10.212(D)(1), upon the earliest possible maturity date.

D. Nonapplicability; Treasurer's Findings; Alternate Selection.

1. Section 10.212(A)(1) shall not apply to City funds invested under a pre-existing trust indenture or investment agreement or otherwise invested by the City under a pre-existing contractual obligation, provided that such funds, if deposited or invested with a person, entity or financial institution which has not or is unable to file an affidavit required under Section 10.212(C)(1), shall be withdrawn or divested at the earliest possible maturity date.

2. The provisions of Section 10.212(A)(1)(b), and (c) shall not apply where the Treasurer finds that:

(a) No person, entity or financial institution doing business in the City and County which has filed an affidavit is capable of performing the desired functions(s); or

(b) The City will incur a financial loss which in the opinion of the Treasurer would violate his or her fiduciary duties. (Added by Ord. 36-86, App. 2/7/86)

SEC. 10.213. CONTRACTUAL SERVICES. A. Prohibited Transactions.

The City and County shall not enter into or renew any contractual agreement for the provision of contractual services with any person, entity or financial institution which provides services to:

(1) The government of South Africa;

(2) Any business or entity organized under the laws of South Africa;

(3) Any business entity for the express purpose of assisting that business' operations in, or that business' trading with, any public or private entity located in South Africa. In determining whether contractual services are provided to a business entity for the express purpose of assisting that business trading with any public or private entity located in South Africa, the person or entity providing such services will not be required to make inquiry beyond that made in the normal course of that person's or entity's business.

B. Reserved.

C. For purposes of this Section, a person, entity or financial institution will not be deemed to engage in an activity prohibited under Subsection A above so long as such person, entity or financial institution is only performing contractual services necessary to complete a specific project in South Africa initiated prior to the effective date of this Article so long as the scope of the project is not enlarged and modification of an existing contract only is involved and providing that the term, or remaining term of the contract is not greater than five years from the effective date of the Article.

D. Affidavit Required.

1. Prior to contracting with any person, entity or financial institution for the provision of contractual services not subject to competitive and sealed bid, the contracting officer shall obtain an affidavit from a person authorized to issue such documents, on a form prescribed by the Purchaser, certifying that it does not have any outstanding relationships of the type listed in Section 10.213(A) or stating that the practice of the person, entity or financial institution is to not enter into any

contractual relations with entities of, or doing business in, South Africa, until the system of apartheid is no longer law in South Africa. The affidavit shall further require that person, entity or financial institution to promptly notify the City if it subsequently enters into any contractual agreement with the entities listed in Section 10.213(A) or if its practice of foregoing such contractual relations changes.

2. In the case of contracts subject to competitive and sealed bids, except as prohibited by State or federal law or regulation, all contracting departments, boards and commissions of the City and County shall require as a material part of any bid an affidavit as described in Section 10.213(D)(1). Subject to the provisions below, failure to include the affidavit in any bid shall make such bid a nonresponsive bid. In the event that fewer than two bidders return bids with the required affidavit, the contracting department, board or commission may rebid the contract and waive the requirements of Section 10.213.

E. Nonapplicability; Findings; Alternate Selection.

1. Section 10.213(A) shall not apply to bid packages advertised and made available to the public or any competitive and sealed bids received by the City or to contracts for contractual services entered into prior to the effective date of this Article.

2. The provisions of Section 10.213(A)(2) and (3) shall not apply to contracts for an aggregate value of \$5,000 or less.

3. Section 10.213(A)(2) and (3) shall not apply to any amendment, modification or renewal of a contract, which contract was entered into prior to the effective date of this Article where necessary for the timely completion of a project and not involving an increase in the total monies to be paid by the City and County under that contract.

4. The provisions of Section 10.213(A)(2) and (3) shall not apply where the contracting officer finds that:

(a) No person, entity or financial institution doing business in the City and County which has filed an affidavit under Section 10.213(D) is capable of performing the desired function(s); or

(b) The City will incur a financial loss which in the opinion of the contracting officer would violate his or her fiduciary duties; or

(c) The inclusion or application of such provisions will violate or be inconsistent with the terms or conditions of a grant, subvention or contract with an agency of the State of California or the United States or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or contract. (Added by Ord. 36-86, App. 2/7/86)

SEC. 10.214. PURCHASE OF COMMODITIES. A. Prohibited Transactions.

1. The City and County shall not purchase any commodity from the government of South Africa, a business entity organized under the laws of South Africa, or any person or entity doing business in South Africa.

2. The City and County shall not purchase any commodity made in South Africa. A commodity shall be considered made in South Africa if it is manufactured, produced or grown in South Africa, or if further work or material manufactured, produced or grown in South Africa is added to a commodity which effects a

substantial transformation of that commodity. Interpretation of this Section shall be consistent with statutes and regulations of the United States regarding markings of commodities by country of origin pursuant to 19 CFR 134.

B. Contract Condition. Each contract for the supply of a commodity to the City and County shall include as a material condition to that agreement the following paragraph in the contract:

Seller is not the government of South Africa, person or business entity organized under the laws of South Africa, or a person or entity doing business in South Africa. The item(s) sold in this contract (purchase order) to the City and County of San Francisco is (are) not made in South Africa as defined in Section 10.214(A) of the San Francisco Administrative Code. The City and County reserves the right to terminate this contract for default if the contractor furnishes items made in South Africa.

C. Exceptions. This Section 10.214 shall not apply to:

1. Any binding contractual obligation for purchase of commodities entered into prior to the effective date of this Article; or

2. The purchase of any commodity for which South Africa is the only source; or is made outside South Africa but for which the only source is an entity organized under the laws of or doing business in South Africa; or

3. Any contract for the purchase of commodities of an aggregate value of less than \$5,000; or

4. Where the contracting officer finds that no person or entity doing business in the City and County and able to subscribe to the contract provision required under Section 10.214(B) is capable of providing the desired commodity; or

5. Any contract, purchase order or term purchase agreement wherein the City will incur a financial loss which in the opinion of the contracting officer would violate his or her fiduciary duties; or

6. Where the inclusion or application of such provisions will violate or be inconsistent with the terms or conditions of a grant, subvention or contract with an agency of the State of California or the United States or the instructions of an authorized representative of any such agency with respect to any such grant, subvention or contract. (Added by Ord. 36-86, App. 2/7/86)

SEC. 10.215. RULES AND REGULATIONS. A. The Treasurer or Purchaser, whichever is appropriate, shall promulgate any rules and regulations necessary or appropriate to carry out the purposes and requirements of this ordinance. Each department board and commission of the City and County shall cooperate with, and provide in writing to, the Treasurer or Purchaser, whichever is appropriate, all information necessary for the Treasurer or Purchaser to promulgate such rules and regulations.

B. All contracts and other similar written agreements shall incorporate this Article by reference whenever applicable and shall provide that the failure of any bidder or contractor to comply with any of its requirements shall be deemed a material breach of contract. (Added by Ord. 36-86, App. 2/7/86)

SEC. 10.216. PUBLIC RECORDS. All affidavits and reports prepared pursuant to the requirements of this ordinance shall be made available for public inspection except those prepared for purposes of litigation. (Added by ord. 36-86, App. 2/7/86)

SEC. 10.217. PENALTY. A. Whenever a person, entity or financial institution being considered for a contract or under contract with the City and County submits an affidavit found by the City and County after an investigation by the contracting officer and the City Attorney to be false, the City and County shall have the authority to impose such sanctions or take such other actions as are designed to ensure compliance with the provisions of this Article which shall include, but are not limited to:

- (1) Refusal to certify the award of a contract;
- (2) Order the suspension of a contract;
- (3) Order the withholding of funds;
- (4) Order the revision of a contract based upon a material breach of contract provisions pertaining to statements made under the affidavit;
- (5) Disqualification of a bidder or contractor from eligibility for providing commodities or services to the City and County for a period not to exceed five years, with a right to review and reconsideration by the contracting City office or department after two years upon a showing of corrective action indicating violations are not likely to reoccur.

B. All contracts shall provide that in the event any bidder or contractor fails to comply in good faith with any of the provisions of this Article the bidder or contractor shall be liable for liquidated damages for each violation in an amount equal to the bidder's or contractor's net profit of the contract, or ten percent of the total amount of the contract or \$1,000 whichever is greatest. All contracts shall also contain a provision whereby the bidder or contractor acknowledges and agrees that the liquidated damages assessed shall be payable to the City and County upon demand and may be set off against any monies due to the bidder or contractor from any contract with the City and County of San Francisco. (Added by Ord. 36-86, App. 2/7/86)

SEC. 10.218. RESERVED.

SEC. 10.219. IMPLEMENTATION REPORTS. The Treasurer and the Purchaser shall provide written reports on the implementation of this ordinance to the Board of Supervisors as follows:

1. At the first Board of Supervisors meeting held nine months after this Article has taken effect;
2. At the first Board of Supervisors meeting held one year after this Article has been in effect; and
3. Semi-annually thereafter.

Each department, board and commission of the City and County shall cooperate with, and provide in writing to, the Treasurer or Purchaser whichever is appropriate, all information necessary for the Treasurer or Purchaser to prepare such reports. (Added by Ord. 36-86, App. 2/7/86)

SEC. 10.220. SEVERABILITY. If any section, subsection, clause, phrase or portion of this Article is for any reason held invalid or unconstitutional by any court or federal or State agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof. (Added by Ord. 36-86, App. 2/7/86)

CHAPTER 10A**REVENUE AND TAXATION SURVEY AND REPORT**

- Sec. 10A.1. Duty of the Chief Administrative Officer to Study and Recommend on Revenue and Taxation Matters.
- Sec. 10A.2. Procedure and Content of Annual Revenue and Taxation Report.
- Sec. 10A.3. Cooperation of Other Agencies and Department Heads.

SEC. 10A.1. DUTY OF THE CHIEF ADMINISTRATIVE OFFICER TO STUDY AND RECOMMEND ON REVENUE AND TAXATION MATTERS. It shall be the duty and responsibility of the Chief Administrative Officer to study, collate, analyze, advise and make recommendations to the Board of Supervisors as hereinafter set forth concerning revenue and taxation matters affecting the City and County. (Added by Ord. 232-69, App. 9/16/67)

SEC. 10A.2. PROCEDURE AND CONTENT OF ANNUAL REVENUE AND TAXATION REPORT. No later than the 15th day of June each year the Chief Administrative Officer shall submit in writing to the Board of Supervisors a comprehensive and documented report that shall include the following:

(a) An analysis of revenue and taxes received by the City and County of San Francisco.

(b) An analysis of revenue and taxation policies of the City and County of San Francisco and of comparable governmental jurisdictions.

(c) An analysis of San Francisco's revenue and taxation policies from the standpoint of such factors as equalizing the tax burden and spreading the tax base.

(d) An analysis of economic conditions in relation to revenue and taxation programs and policies of the City and County of San Francisco.

(e) Suggested criteria for selecting from among various available revenue and taxation sources and for determining the proportionate share each source should contribute toward the revenue total.

(f) A recommended revenue and taxation program for the ensuing fiscal year, taking into consideration the suggested criteria referred to in (e) above, revenue and taxation programs in comparable governmental jurisdictions, and other related factors. (Added by Ord. 232-69, App. 9/16/67)

SEC. 10A.3. COOPERATION OF OTHER AGENCIES AND DEPARTMENT HEADS. It shall be the duty of the heads of all departments, offices, commissions, bureaus and divisions of the City and County of San Francisco to furnish such information as they may have or may be able to obtain relating to the actual or potential revenue and taxation matters to the Chief Administrative Officer upon his or her request in order that he or she may compile as comprehensive a report thereon as possible. The Mayor of the City and County of San Francisco and the Superintendent of the Unified School District are requested to provide the Chief Administrative Officer with such information as he or she may

request relating to sources of actual or potential revenue in order that the survey and report contemplated by this Chapter shall be as comprehensive as possible.
(Added by Ord. 232-69, App. 9/16/67)

CHAPTER 10B**SPECIAL LAW ENFORCEMENT PROGRAM AND SPECIAL FUND**

- Sec. 10B.1. Request for Police Services.
- Sec. 10B.2. Payment for Services.
- Sec. 10B.3. Rates of Pay.
- Sec. 10B.4. Minimum Assignment.
- Sec. 10B.5. General Provisions.

SEC. 10B.1. REQUEST FOR POLICE SERVICES. Any person, corporation, firm or organization desiring additional personnel of the San Francisco Police Department, for law enforcement purposes within the City and County of San Francisco, may request the Chief of the San Francisco Police Department to provide such personnel to perform such services. If the Chief of Police approves the request, he or she may detail such personnel for such services in the number he or she determines to be necessary to perform the services. (Amended by Ord. 228-78, App. 5/12/78)

SEC. 10B.2. PAYMENT FOR SERVICES. The person, corporation, firm or organization desiring such personnel shall pay to the police department such sums of money as may be necessary to pay for the additional services. Such payment shall be computed at the rate paid or payable to those uniformed officers of the Police Department actually performing services at the time they are to perform such additional duties, plus 22.5 percent thereof for administrative overhead. The Police Department shall deposit with the Treasurer such sums as received in a special account designated public facilities overtime account; provided, however that the amount representing 22.5 percent shall be deposited to the General Fund unappropriated balance of funds. Such person, corporation, firm or organization shall indemnify, hold harmless and defend said City and County of San Francisco, the San Francisco Police Department, and all the officers, agents and employees of either, from and against all liability, judgments or claims for personal or bodily injuries, false arrest and false imprisonment caused by or purportedly caused by such personnel in the rendering of such services. (Amended by Ord. 494-85, App. 11/8/85)

SEC. 10B.3. RATES OF PAY. For services performed in excess of the basic week, police department members shall be compensated on the basis of time and one-half in accordance with the ratio which said excess service bears to the basic week of service and the annual compensation provided therefor in Section 3.531 of the City Charter. (Amended by Ord. 571-83, App. 12/2/83)

SEC. 10B.4. MINIMUM ASSIGNMENT. Requested services shall be compensated upon the basis of four hours per employee minimum per assignment. (Added by Ord. 318-73, App. 8/10/73)

SEC. 10B.5. GENERAL PROVISIONS. A member of the San Francisco Police Department, detailed to perform services pursuant to this chapter, shall not be entitled to any additional overtime benefits over the above those provided herein. (Added by Ord. 318-73, App. 8/10/73)

CHAPTER 10C**REIMBURSEMENT FOR TOWING AND STORAGE OF VEHICLES**

- Sec. 10C.1. Reimbursement for Tow on Vehicles; Conditions Therefor.
- Sec. 10C.2. Prohibition on Reimbursement.
- Sec. 10C.3. Computing Amount of Reimbursement.
- Sec. 10C.4. Maximum Amount of Reimbursement.
- Sec. 10C.5. Time Limit to Request Reimbursement.
- Sec. 10C.6. Information Required.
- Sec. 10C.7. Effect of Policy of Insurance.
- Sec. 10C.8. Investigation by Chief of Police; Indigent Owner.
- Sec. 10C.8-1. Exemption From Payment for Tow and Storage Fees on Stolen Vehicles Owned by Residents of the City and County of San Francisco.
- Sec. 10C.9. Requests to be Under Penalty of Perjury.
- Sec. 10C.10. Prosecution of Person Responsible.
- Sec. 10C.11. Subrogation.
- Sec. 10C.12. Reports by the Chief of Police.

SEC. 10C.1. REIMBURSEMENT FOR TOW ON VEHICLES; CONDITIONS THEREFOR. (1) Except as provided in Sections 10C.8 and 10C.8-1, fees, charges or costs imposed for the towing or storage of vehicles or the amount charged for removal of components of a vehicle may be reimbursed to the owner or person in lawful possession of the vehicle if the fees, charges or costs were incurred:

(a) Because the subject vehicle was towed and stored at the order of the San Francisco Police Department to examine the vehicle for evidence of a crime;

(b) Because the subject vehicle was towed and stored by the order of the San Francisco Police Department and said towing or storage was not authorized by any of the several provisions of the Vehicle Code of the State of California;

(c) Because officers, agents or employees of the San Francisco Police Department were negligent in reporting, filing, or recording the circumstances of the towing and storage of the vehicle;

(d) Because officers, agents or employees of the San Francisco Police Department were negligent in reporting a vehicle as subject to towing or storage or ordering a vehicle towed and stored when, in fact, such vehicle was not subject to towing and storage; or

(e) Because a vehicle was towed or stored by order of the San Francisco Police Department for removal of components of the vehicle, which components were placed on the vehicle in violation of Section 10751 of the Vehicle Code.

(2) Pursuant to the provisions of Sections 10C.8 and 10C.8-1, indigent owners of vehicles and victims of auto theft shall be exempt from paying fees, charges, or costs imposed for the towing and storage of the vehicle. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.2. PROHIBITION ON REIMBURSEMENT. No reimbursement or voucher shall be made to the owner of a vehicle or the person in lawful possession of said vehicle pursuant to the provisions of this chapter, if:

(a) The owner or person in lawful possession of the vehicle is chargeable with violation of any law of the City and County of San Francisco, the State of California or the United States, and said charge relates to the towing and storage of the vehicle or the removal of component parts thereof, and

(b) Reimbursement is requested pursuant to Subsections (c) or (d) of Section 10C.1 of this Chapter and the owner or one in lawful possession of the vehicle was contributorily negligent. (Added by Ord. 68-76, App. 3/12/76)

SEC. 10C.3. COMPUTING AMOUNT OF REIMBURSEMENT. The amount of the requested reimbursement or voucher shall not exceed the actual fee, charges or cost to the person requesting reimbursement or voucher nor shall such request exceed the amount of the usual towing and storage fees as stated in the most recent contract between the Purchaser of Supplies of the City and County of San Francisco and such companies, corporations or individuals for the towing and storage of vehicles made pursuant to Section 163 of Part II, Chapter XI, of the San Francisco Municipal Code (Traffic Code). (Added by Ord. 68-76, App. 3/12/76)

SEC. 10C.4. MAXIMUM AMOUNT OF REIMBURSEMENT. Except as provided in Section 10C.8-1, in no event shall any amount be reimbursed or any voucher issued to any owner or to one in lawful possession of a vehicle pursuant to the provisions of this Chapter, in excess of \$100. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.5. TIME LIMIT TO REQUEST REIMBURSEMENT. Requests for reimbursement or exemption from payment of fees, charges or costs incurred must be presented to the Chief of Police on a form provided therefor, within one month of the date the fees, charges or costs accrue. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.6. INFORMATION REQUIRED. Requests for reimbursement or a voucher shall be itemized, giving full particulars of all the circumstances known to the complainant. The Chief of Police may request such additional information as necessary to determine the legitimacy of the request or exemption. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.7. EFFECT OF POLICY OF INSURANCE. No request for reimbursement or for a voucher, made pursuant to the provisions of this Chapter, shall be considered by the Chief of Police if the person requesting reimbursement or exemption has a policy of insurance that provides for reimbursement to the owner or one in lawful possession of the vehicle for towing and storage of vehicles or removal of component parts thereof under the same circumstances as the provisions of this Chapter. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.8. INVESTIGATION BY CHIEF OF POLICE; INDIGENT OWNER. Should the owner of the vehicle or one in lawful possession sign an affidavit, under penalty of perjury, that said person is indigent and does not immediately have the funds to pay the accrued towing, storage or removal of component fee, the Chief of Police or his or her designee shall immediately make

such investigation as necessary to ascertain if said indigent person is entitled to immediate possession of his or her auto without the payment of the fees incurred for towing, storage or removal of component parts of said auto.

(a) Should the Chief of Police or his or her designee, after an investigation, decide that the towing, storage or removal of the component parts of an auto comes within the provisions of Section 10C.1(a), (b), (c), (d) or (e) of this Chapter and the owner of the vehicle or one in lawful possession signs an affidavit of indigency, the Chief of Police of his or her designee shall issue a voucher directed to the person, firm or corporation having custody of the auto. Said voucher shall be on a form jointly approved by the Controller and the Chief of Police.

(b) Upon presentation of this voucher to the person, firm or corporation having custody of the vehicle, the vehicle shall be repossessed by the person presenting the voucher, without further payment.

(c) The person, firm or corporation receiving the voucher may present the voucher to the office of the Police Department designated by the Chief of Police for payment of the fees stated on the voucher. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.8-1. EXEMPTION FROM PAYMENT FOR TOW AND STORAGE FEES ON STOLEN VEHICLES OWNED BY RESIDENTS OF THE CITY AND COUNTY OF SAN FRANCISCO. The owner or person in lawful possession of a vehicle that has been stolen and recovered within the City and County of San Francisco shall be exempt from paying fees, charges or costs imposed for the towing or storage of stolen vehicles or the amount charged for removal of components of a stolen vehicle provided:

(a) The owner or person in lawful possession of the stolen vehicle is a resident of the City and County of San Francisco and shows proof of residency within the City and County of San Francisco to the San Francisco Police Department;

(b) The owner or person in lawful possession of the stolen vehicle has reported the vehicle as stolen to the San Francisco Police Department prior to applying for the exemption.

Should the owner or person in lawful possession of the stolen vehicle meet the requirements set forth in Section 10C.8-1(a) and (b) the Chief of Police or his or her designee shall issue a voucher in the amount equal to the total of all fees, charges and costs for towing and storage directed to the person, firm or corporation, having custody of the vehicle. Said voucher shall be on a form jointly approved by the Controller and the Chief of Police.

Upon presentation of this voucher to the person, firm or corporation having custody of the vehicle, the vehicle shall be repossessed by the person presenting the voucher without payment.

The person, firm or corporation receiving the voucher may present the voucher to the office of the Police Department designated by the Chief of Police for payment of the fees stated on the voucher. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.9. REQUESTS TO BE UNDER PENALTY OF PERJURY. All requests for reimbursement or exemption, presented pursuant to the provisions of this Chapter shall be under penalty of perjury. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.10. PROSECUTION OF PERSON RESPONSIBLE. No request for reimbursement or a voucher shall be considered by the Chief of Police unless and until the person requesting reimbursement agrees in writing that said person will, without reservation, cooperate in prosecuting any persons responsible for any violation of law giving rise to the request for reimbursement or exemption. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.11. SUBROGATION. Whenever reimbursement or a voucher is given or made, pursuant to the provisions of this Chapter, the City and County of San Francisco is subrogated to all rights and privileges, at law or equity, of the person, his or her heirs or assigns, to whom payment was made to recover any monies, from any source whatsoever, due to the person requesting reimbursement or exemption arising from the activity that caused the fees, charges or costs to be incurred. (Amended by Ord. 387-84, App. 9/7/84)

SEC. 10C.12. REPORTS BY THE CHIEF OF POLICE. Each three months, the Chief of Police shall forward to the Board of Supervisors a report containing the amount paid pursuant to the provisions of this Chapter, to whom paid and the justification therefor. (Added by Ord. 68-76, App. 3/12/76)

CHAPTER 10D**REPARATIONS**

Sec. 10D.1.	Findings.
Sec. 10D.2.	Filing of Claims.
Sec. 10D.3.	Action by Civil Service Commission, Board.
Sec. 10D.4.	Limitations on Reparations Awarded.
Sec. 10D.5.	Additional Reparations.
Sec. 10D.6.	Reservation of Power.

SEC. 10D.1. FINDINGS. The Board of Supervisors finds and declares as follows:

(a) The forced relocation and internment of various City employees of Japanese ancestry during the wartime years of World War II were based largely on fear and suspicion rather than on factual justification therefor.

(b) As a direct result of these relocations, City employees of Japanese ancestry were forced to take involuntary leaves of absence from City service for the duration of World War II and suffered salary losses for that same period.

(c) It is fair and just that the Board of Supervisors should consider making reparations to those employees who were forced to take leaves of absence from City service during the wartime years as a result of such relocations.

(d) To this end, the Board of Supervisors finds that equity and fairness will be served by authorizing the filing of claims with the City for the equivalent of salary losses suffered by City employees as a result of such relocations, and authorizing the payment thereof, subject to the provisions of the Charter and this Code. (Added by Ord. 26-83, App. 1/24/83)

SEC. 10D.2. FILING OF CLAIMS. (a) Any City employee or former City employee of Japanese ancestry, otherwise qualifying under Subdivisions (b), (c) and (d) of this Section, who was dismissed, terminated from a temporary position, rejected during a probationary period, forced to take a leave of absence or voluntarily resigned in lieu of dismissal from City service during the years 1942 through 1947 because of relocation and internment, and who incurred salary losses as a result thereof, is eligible to file a claim with the City for the reparation equivalent to those losses. Claims must be received by May 15, 1986.

(b) No person other than a City employee or former City employee of Japanese ancestry who has suffered a loss of salary as a result of City actions as described in this ordinance shall be eligible to file a claim pursuant to this ordinance. No claim may be filed by the survivor of any such person, and the death of a claimant prior to the filing of a claim shall terminate any eligibility. In the event of the death of a claimant whose claim has already been submitted to the Civil Service Commission and who is determined to have been eligible to receive reparations authorized by this ordinance, reimbursement shall be made to the claimant's estate.

(c) No claimant may file more than one claim pursuant to this ordinance.

(d) No claimant may be reimbursed for any losses other than those equivalent to direct salary losses. No claimant may be reimbursed for any collateral

benefit made available to City employees, such as retirement benefits or other forms of in lieu compensation. Reparations authorized pursuant to this Chapter shall not be considered payment of salary.

For the purposes of this Chapter, the following words and phrases shall mean and include:

(1) "Direct salary losses" are losses of the salary that the claimant would otherwise have been entitled to during the period of internment under the Salary Standardization Ordinance in effect for the year that such loss was incurred.

(2) "Collateral benefits" are any form of in lieu compensation, such as the City's contribution towards the claimant's retirement benefits, made available to City employees during the period of internment. (Added by Ord. 26-83, App. 1/24/83)

SEC. 10D.3. ACTION BY CIVIL SERVICE COMMISSION, BOARD.

(a) A claim may be submitted to the Civil Service Commission for reparations equivalent to direct salary losses, excluding collateral benefits, suffered by the claimant during the years 1942 through 1947. The claim shall be submitted in accordance with any reasonable rules and regulations promulgated by the Civil Service Commission, including requirements for appropriate documentation and verification. The Commission, however, shall have no obligation to notify directly any person of possible eligibility for reparation of salary losses pursuant to this ordinance. The Civil Service Commission shall determine the eligibility of a claimant to receive reparations authorized by this ordinance, as well as the amount to which the claimant shall be entitled. The Civil Service Commission shall evaluate each claim pursuant to these provisions.

(b) In the event the Civil Service Commission concludes to recommend to the Board of Supervisors that it award reparations, it shall forward its recommendation to the Board. Said recommendation shall include such supporting documentation as used by the Commission in evaluating the claim and a proposed supplemental appropriation ordinance in the amount the Commission recommends that the Board of Supervisors shall award to the claimant.

(c) Upon receipt of such recommendation by the Civil Service Commission, the President of the Board of Supervisors shall refer the matter to the Finance Committee to be calendared for hearing within 15 days therefrom. The Finance Committee shall act upon such supplemental appropriation ordinance in the same manner as all other supplemental appropriation ordinances. (Added by Ord. 26-83, App. 1/24/83)

SEC. 10D.4. LIMITATIONS ON REPARATIONS AWARDED.

The Board of Supervisors hereby determines that, absent extraordinary circumstances, it shall be its policy that a claimant who is determined by the Civil Service Commission to be eligible to receive reparations authorized by this ordinance may receive up to \$1,250 in reimbursement equivalent to direct salary losses, excluding collateral benefits, incurred by the claimant during any year between 1942 to 1947, not to exceed reimbursement for a total of four years' salary losses or \$5,000. (Added by Ord. 26-83, App. 1/24/83)

SEC. 10D.5. ADDITIONAL REPARATIONS.

(a) Notwithstanding any other provisions of this Chapter, any individual of Japanese ancestry who rendered

extraordinary services to the parks system of the City and County of San Francisco, and who suffered losses relating to those services because of relocation and internment at any time during the years 1942 through 1947, is eligible to file with the City for reparations equivalent to those losses. Claims must be received by May 15, 1986.

(b) Claims submitted pursuant to this Section shall otherwise be subject to the same limitations and be handled in the same manner as provided in this Chapter, except that all claims submitted pursuant to this Section shall be made to the Recreation and Park Commission of the City and County of San Francisco for its consideration and recommendation.

(c) No claim may be filed by the survivor of any person otherwise eligible to file a claim pursuant to this Section, and the death of a claimant prior to the filing of a claim shall terminate any eligibility. In the event of the death of a claimant whose claim has already been submitted to the Recreation and Park Commission and who is determined to have been eligible to receive reparations authorized by this Section, reimbursement shall be made to the claimant's estate. No claimant may file more than one claim pursuant to this Section.

(d) The Board of Supervisors hereby determines that, absent extraordinary circumstances, it shall be the Board's policy that a claimant who is determined by the Recreation and Park Commission to be eligible to receive reparations authorized by this Section may receive up to \$1,250 in reimbursement equivalent to the losses suffered by the claimant during any year between 1942 to 1947, not to exceed reimbursement for a total of four years' losses or \$5,000. (Added by Ord. 77-83, App. 2/18/83)

SEC. 10D.6. RESERVATION OF POWER. In adopting this Chapter, the Board of Supervisors has expressly reserved to itself the final authority to approve or disapprove awards of reparations pursuant to this Chapter. The potential liability of the City under this Chapter is uncertain. Should awards of reparations prove onerous and the expenditures therefor overly burdensome, the Board may at any time repeal this Chapter, or decline to approve further supplemental appropriations ordinances for awards of reparations. (Amended by Ord. 77-83, App. 2/18/83)

CHAPTER 10E**DOWNTOWN PLAN MONITORING**

- Sec. 10E.1. Findings.
- Sec. 10E.2. Annual Report.
- Sec. 10E.3. Five year Report.
- Sec. 10E.4. Information to be Furnished.

SEC. 10E.1. FINDINGS. The Board of Supervisors makes the following findings in support of this ordinance.

(a) The City Planning Commission has adopted the Downtown Plan as part of the Master Plan of the City and County of San Francisco, and the Board of Supervisors, acting upon the recommendation of the City Planning Commission, has adopted amendments to the City Planning Code called for in the Downtown Plan.

(b) The focus of the Downtown Plan is to prevent development where change would diminish the City's character or livability but to allow appropriately scaled development that would further the City's economic, fiscal and social objectives.

(c) The Downtown Plan is based on certain assessments about the ability of the City to absorb the impacts of growth in downtown San Francisco and the desirability of increasing housing, ridesharing and transit use in light of the anticipated downtown growth. The Downtown Plan proposes various actions which should be taken to achieve the following goals: An increase in the City's housing supply by an average of 1,000 to 1,500 new housing units per year; and increase in ridesharing to a point where the number of persons commuting by auto or van rises from 1.48 to 1.66 persons per vehicle; and an increase in the use of transit by downtown workers from 64 percent to 70 percent of all work trips.

(d) The Downtown Plan recommends the adoption of a formal process for monitoring progress toward Plan goals. This monitoring process is necessary to evaluate the effectiveness of the Plan and the impacts of downtown growth, and to make any adjustments deemed appropriate to the controls described in the Downtown Plan or to additions to the City's infrastructure and services.

(e) The purpose of this monitoring system shall be to determine whether the infrastructure and support systems necessary to accommodate the growth of downtown, particularly housing supply and transit capacity, have kept pace with development in the C-3 Districts. If downtown is growing at a faster pace than the necessary infrastructure and support systems, it may become necessary to make further efforts to slow down the pace of development, or devise additional mechanisms for providing required infrastructure and support systems.

(f) The Department of City Planning shall undertake a two-tiered monitoring program. The two tiers are: 1) An annual collection and reporting of data from selected sources that are gathered on a regular basis, and 2) every five years, a more extensive data collection effort that includes a cordon count of downtown oriented travel and an employer/employee survey. The annual monitoring should provide an early warning system for trends that may develop, indicating a shortfall in the long range goals. (Added by Ord. 500-85, App. 11/22/85)

SEC. 10E.2. ANNUAL REPORT. The Department of City Planning shall prepare an annual report detailing the effects of downtown growth. The report shall be presented to the Board of Supervisors, City Planning Commission, and Mayor, and shall address: (1) the extent of development in the C-3 Districts; (2) the consequences of that development; (3) the effectiveness of the policies set forth in the Downtown Plan in maintaining San Francisco's environment and character; and (4) recommendations for measures deemed appropriate to deal with the impacts of downtown growth.

(a) **Time Period and Due Date.** Reports shall be due on March 15th of each year, and shall address the immediately preceding calendar year, except for the five year report, which shall address the preceding five calendar years.

(b) **Data Source.** The Department of City Planning shall assemble a data base for 1984 and subsequent years for the purpose of providing the reports. City records shall be used wherever possible. Outside sources shall be used when data from such sources are reliable, readily available and necessary in order to supplement City records.

(c) **Categories of Information.** The following categories of information shall be included:

Commercial Space and Employment.

(1) The amount of office space "Completed," "Approved," and "Under Construction" during the preceding year, both within the C-3 Districts and elsewhere in the City. This inventory shall include the location and square footage (gross and net) of those projects, as well as an estimate of the dates when the space "Approved" and "Under Construction" will become available for occupancy.

(1) **Office Vacancy Ratio.** An estimate of the current office vacancy rate in the C-3 Districts and citywide.

(3) **Citywide and C-3 District Office Employment.** An estimate of additional office employment, by occupation type, in the C-3 Districts and citywide.

(4) **Tourist Hotel Rooms and Employment.** An estimate of the net increment or tourist hotel rooms and additional hotel employment in the C-3 Districts.

(5) **Retail Space and Employment.** An estimate of the net increment of retail space and of the additional retail employment relocation trends and patterns within the City and the Bay Area.

(6) **Business Formation and Relocation.** An estimate of the rate of the establishment of new businesses and business and employment relocation trends and patterns within the City and the Bay Area.

Housing.

(7) **Housing Units Certified for Occupancy.** An estimate of the number of housing units throughout the City newly constructed, demolished, or converted to other uses.

(8) **Office-Housing Production Program.** A summary of the operation of the Office/Housing Production Program and the Housing Affordability Fund, identifying the number and income mix of units constructed or assisted with OHPP monies.

Transportation.

(9) **Parking Inventory.** An estimate of the net increment of off-street parking spaces in C-3 Districts.

(10) **Vehicle Occupancy Rates.** An estimate of vehicle occupancy rates for vehicles entering the City.

(11) **Transit Service.** An estimate of transit capacity for peak periods.

(12) **Transit Impact Fee.** A summary of the use of the transit impact development fee funds, indentifying the number of vehicles, personnel and facilities acquired.

Fiscal.

(13) **Revenues.** An estimate of the net increment of revenues by type (property tax, business taxes, hotel and sales taxes) from office, retail and hotel space.

(d) **Report.** The analysis of the factors under Commercial Space and Employment will provide an estimate of the increase in housing and transit demand. The comparison of increased demand with the increase in the supply of housing and in transit capacity will indicate the degree that the City is able to accommodate new development. Based on this data, the Department shall analyze the effectiveness of City policies governing downtown growth and shall recommend any additional measures deemed appropriate. (Added by Ord. 500-85, App. 11/22/85)

SEC. 10E.3. FIVE YEAR REPORT. On March 15, 1990, and every fifth year thereafter on March 15th, the report submitted shall address the preceding five calendar years and, in addition to the data described above, shall include a cordon count of downtown oriented travel and an employer/employee survey, as well as any other information deemed appropriate for the purpose of monitoring the impact of downtown development. If the Department of City Planning determines that early warnings from the annual reports indicate the need for collection of the cordon count and employer/employee survey earlier than at five-year intervals, it may include such data in any annual report, and may include an analysis of data for a period of time earlier than the preceding calendar year. (Added by Ord. 500-85, App. 11/22/85)

SEC. 10E.4. INFORMATION TO BE FURNISHED. It shall be the duty of the heads of all departments, offices, commissions, bureaus and divisions of the City and County of San Francisco, upon request by the Department of City Planning, to furnish such information as they may have or be able to obtain relating to the matters to be included in the reports required herein. (Added by Ord. 500-85, App. 11/22/85)

CHAPTER 11

FRANCHISES

ARTICLE I FRANCHISE PROCEDURE

- Sec. 11.1. Terms and Conditions For Continued Use of Streets by Public Utilities After Expiration of Franchise or Permit.
- Sec. 11.1-1. Franchises to be Granted by Ordinance Only; Laws Governing Granting.
- Sec. 11.2. Application for Franchise; Submission of Form of Franchise Ordinance.
- Sec. 11.3. Submission of Proposed Franchise Ordinance to Board; Application of Charter Provisions.
- Sec. 11.4. Contents of Ordinance Granting Franchise.
- Sec. 11.5. Chief Administrative Officer to Investigate and Report on Observance of Franchise and Permit Requirements.
- Sec. 11.6. Reports as to Operative and Inoperative Franchises.
- Sec. 11.7. Examinations by Controller; Controller's Annual Report.

ARTICLE II FRANCHISES FOR CABLE TELEVISION SYSTEMS

- Sec. 11.21. Definitions.
- Sec. 11.22. Franchise to Install and Operate.
- Sec. 11.23. Cable Television Service.
- Sec. 11.24. Franchise Payments.
- Sec. 11.25. Franchise Term: Duration and Termination.
- Sec. 11.26. Applications For Franchise.
- Sec. 11.27. Bonds; Indemnifications; Insurance.
- Sec. 11.28. Acceptance of the Franchise.
- Sec. 11.29. Limitations of Franchise.
- Sec. 11.30. Rights Reserved to the City.
- Sec. 11.31. Board to Adopt Rules and Regulations.
- Sec. 11.32. Permits and Construction.
- Sec. 11.33. Miscellaneous Provisions.
- Sec. 11.34. Equal Opportunity Employment and Affirmative Action Plan.
- Sec. 11.35. Violations.
- Sec. 11.36. Severability.
- Sec. 11.37. Board of Supervisors May Renew or Modify Franchise.
- Sec. 11.40. Citizens Telecommunications Policy Committee—Establishment.
- Sec. 11.41. Citizens Telecommunications Policy Committee—Membership.
- Sec. 11.42. Citizens Telecommunications Policy Committee—Duties and Responsibilities.
- Sec. 11.43. Terms of Office.

Sec. 11.44. Citizens Telecommunications Policy Committee—Funding.

ARTICLE I**FRANCHISE PROCEDURE**

SEC. 11.1. TERMS AND CONDITIONS FOR CONTINUED USE OF STREETS BY PUBLIC UTILITIES AFTER EXPIRATION OF FRANCHISE OR PERMIT. Whenever a public utility has heretofore been, or is hereafter granted, by ordinance or resolution, a franchise or permit or right or privilege to construct and maintain structures or facilities on, below and above alleys, streets, highways, thoroughfares or other public places, or any portion thereof for a given term, and which term has expired or will expire in the future, a continued use by such public utility of such alleys, streets, highways, thoroughfares or other public places, or any portion thereof, shall be under the same terms and conditions, and for the same consideration provided in the ordinance or resolution which granted such franchise or permit or right or privilege.

Such ordinance or resolution shall govern until such use is terminated or a new ordinance or resolution governing such use becomes effective. All cash payments due hereunder shall be made or rendered to the City and County of San Francisco based on the same formula as was provided in the ordinance or resolution which granted such franchise or permit or right or privilege and such cash payments shall in no respect be less than would be provided by the application of the formula that was used in calculating the last tendered and accepted cash payment to the City and County of San Francisco under the ordinance or resolution which granted such franchise or permit or right or privilege.

Payment shall be made under such formula from the date of the expiration of such franchise or permit or right or privilege, whether such expiration has taken place prior to the effective date of this Section or shall take place in the future. (Ord. No. 10149 (1939), Secs. 1, 2)

SEC. 11.1-1. FRANCHISES TO BE GRANTED BY ORDINANCE ONLY; LAWS GOVERNING GRANTING. Franchises which the City and County is authorized to grant shall be granted only by ordinance and the granting thereof shall be governed by this Chapter and any and all other pertinent ordinances of the City and County, together with the applicable provisions of the Charter. (Ord. No. 276 (1939), Sec. 1)

SEC. 11.2. APPLICATION FOR FRANCHISE; SUBMISSION OF FORM OF FRANCHISE ORDINANCE. Any person, firm or corporation desiring a franchise shall file with the Clerk of the Board of Supervisors a written application therefor, together with a proposed form of ordinance granting the franchise desired. (Ord. No. 276 (1939), Sec. 2)

SEC. 11.3. SUBMISSION OF PROPOSED FRANCHISE ORDINANCE TO BOARD; APPLICATION OF CHARTER PROVISIONS. The proposed ordinance, as referred to in the preceding Section, in the form requested

by the applicant, shall be introduced to the Board of Supervisors, and from and after its introduction shall be subject to the general provisions of the Charter respecting the passage of ordinances and to all special provisions of the Charter respecting ordinances granting franchises. (Ord. No. 276, (1939), Sec. 3)

SEC. 11.4. CONTENTS OF ORDINANCE GRANTING FRANCHISE.

The ordinance granting any franchise shall specify therein the conditions upon which the same is granted and prescribe such regulations respecting the exercise thereof as may be deemed necessary and proper. (Ord. No. 276 (1939), Sec. 4)

SEC. 11.5. CHIEF ADMINISTRATIVE OFFICER TO INVESTIGATE AND REPORT ON OBSERVANCE OF FRANCHISE AND PERMIT REQUIREMENTS. The Board of Supervisors, under and pursuant to the power and authority vested in the Board by Section 2.101 of the Charter, does hereby confer upon the Chief Administrative Officer the power and authority:

To examine all and singular, the provisions, covenants and obligations contained in the several franchises and permits heretofore and which may hereafter be issued or granted to any person for the conduct of any business or calling over which the Board of Supervisors has jurisdiction or control, or for the use or occupation of any public street, way or place insofar as such provisions, covenants and obligations contained in such franchises and permits pertain to or affect public streets, traffic, health and safety;

To examine the public streets, ways and places of the City and from these examinations compile lists or maps of tracks, tunnels, bridges, overhead conveyors, chutes, loading platforms, scales, elevated sidewalks, fences, barricades, stairways and openings to basements, subsidewalk basements, supports for canopies, temporary street closings and use, and all other street occupancies or uses; and

To determine which of such occupancies and uses are covered by franchises or permits issued or granted by the Board of Supervisors. It shall be the duty of the Chief Administrative Officer to file reports from time to time with the Board of Supervisors showing in detail whether the holders of the franchises or permits are complying or are failing to comply with the provisions, covenants and obligations contained in or imposed by the franchises and permits. (Ord. No. 4539 (1939), Sec. 1)

SEC. 11.6. REPORTS AS TO OPERATIVE AND INOPERATIVE FRANCHISES. It shall be the duty of the Chief Administrative Officer to investigate and to file with the Board of Supervisors from time to time reports showing the name and address of each person, firm or corporation ascertained as a result of the examinations specified in the preceding Section to be engaged in or to maintain, without a franchise or permit, such a business or enterprise as under the law requires a franchise or permit for its conduct, maintenance or operation, or for its use or occupation of any public street, way or place, as well as a statement showing the various franchises and permits which have become inoperative, suspended or void for nonuse, for failure to pay required fees or for any other reason. (Ord. No. 4539 (1939), Sec. 2)

SEC. 11.7. EXAMINATIONS BY CONTROLLER; CONTROLLER'S ANNUAL REPORT. Under and pursuant to the power and authority vested by Section 2.101 of the Charter, the Board of Supervisors does hereby confer upon the Controller the power and authority to examine all and singular, the provisions, covenants and obligations contained in the several franchises and permits heretofore and which may hereafter be issued or granted to any person, firm or corporation for the conduct of any business or calling over which the Board of Supervisors has jurisdiction or control or for the use or occupation of any public street, way or place insofar as such provisions, covenants and obligations contained in such franchises and permits pertain to finance or the payment by the holders of such franchises or permits to the City and County of money or other thing of value and it shall be the duty of the Controller to file an annual report with the Board of Supervisors showing in detail the manner in which the holders to the franchises or permits are complying or failing to comply with the provisions, covenants and obligations contained in or imposed by the franchises or permits. (Ord. No. 4539 (1939), Sec. 3)

ARTICLE II

FRANCHISES FOR CABLE TELEVISION SYSTEMS

SEC. 11.21. DEFINITIONS. For the purposes of this ordinance, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number:

(a) "City" shall mean City and County of San Francisco, a municipal corporation of the State of California.

(b) "Board" shall mean the Board of Supervisors, the governing body of the City and County of San Francisco or any future board constituting the legislative body of the City.

(c) "Chief Administrative Officer" shall mean the City's chief executive officer, or any designee thereof.

(d) "Franchise" shall mean and include any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a cable television system within all or a specified area in the City. Any such authorization, in whatever form granted, shall not mean or include any license or permit required for the privilege of transacting and carrying on a business within the City as required by other ordinances and laws of this City.

(e) "Person" shall mean any natural person and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, and societies.

(f) "Grantee" shall mean the person, firm or corporation granted a franchise by the Board under this ordinance, and the lawful successor, transferee or assignee of said person, firm or corporation.

(g) "Street" shall mean the surface, the air space above the surface and the area below the surface of any public street, other public right of way or public place, including public utility easements.

(h) "Property of Grantee" shall mean all property owned, installed, or used within the City by a grantee in the conduct of a cable television system business under the authority of a franchise granted pursuant to this ordinance.

(i) "Subscriber" or "User" shall mean any person or entity receiving for any purpose any service of the grantee's cable television system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, radio signals, grantee's original cablecasting, and the local government, education and public access channels; and other services, such as leasing of channels, data and facsimile transmission, pay television, and police, fire and similar public service communication.

(j) "Cable television system," "CATV," and "CTV," for the purpose of this ordinance, are terms describing a system employing antennae, micro-wave, wires, wave-guides, coaxial cable, or other conductors, equipment or facilities, designed, constructed or used for the purpose of:

(1) Collecting and amplifying local and distant broadcast television or radio signals and distributing and transmitting them;

(2) Transmitting original cablecast programming not received through television broadcast signals;

(3) Transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers; and

(4) Transmitting and receiving all other signals; digital, voice and audio-visual; provided, however, that any of the services, permitted hereunder to be performed, as described above, shall be those performed by the grantee for subscribers, as herein defined, in the operation of a cable television or CATV system franchised by the City and County and not otherwise.

(k) "Gross Receipts," as used in the following categories shall mean any and all compensation, in whatever form, grant, subsidy, exchange, or otherwise, directly or indirectly received by a grantee, not including any taxes or services furnished by the grantee imposed directly on any subscriber or user by a city, county, state or other governmental unit, and collected by the grantee for such entity.

(l) "Gross Annual Basic Subscriber Receipts" shall mean any and all compensation and other consideration received directly or indirectly by the grantee from subscribers in payment of the regularly furnished service of the cable television system in the transmission of broadcast television, radio signals and original cablecast programming of the grantee.

(m) "Gross Annual Nonbasic Service Receipts" shall mean any and all compensation and other consideration received directly or indirectly by the grantee from subscribers or users in payment for the receipt of signals other than broadcast television, radio, or original cablecast programming of the grantee, whether for "pay television," "facsimile" transmission, "return" or "response" communication, and whether or not transmitted encoded or processed to permit reception by only selected subscribers.

(n) "Gross Annual Advertising Receipts" shall mean any income, compensation and other consideration received by grantee derived from any form of advertising.

(o) "Gross Annual Lease Receipts" shall mean any fees or income received by grantee for the lease or rental, and compensation for any service in connection therewith, such as studio and equipment rental and production costs, of any channel permitted or designated by the Federal Communications Commission to be so leased or rented. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.22. FRANCHISE TO INSTALL AND OPERATE. (a) A nonexclusive franchise to install, construct, operate, and maintain a cable television system on streets within all or a specific portion of the City and County may be granted by the Board to any person, whether or not operating under an existing franchise, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this ordinance.

No provision of this ordinance may be deemed or construed as to require the granting of a franchise when in the opinion of the Board it is in the public interest to restrict the number of grantees to one or more.

(b) When and in the event that the grantee of any franchise granted hereunder uses in his or her cable television system distribution channels furnished to the grantee by a telephone company pursuant to tariff or contract on file with a regulatory body having jurisdiction and said grantee makes no use of the streets independent of such telephone company-furnished facilities, said grantee shall be required to comply with all of the provisions hereof as a "licensee" and in such event whenever the term "grantee" is used herein it shall be deemed to mean and include "licensee." (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.23. CABLE TELEVISION SERVICE. (a) **Basic Service.** The cable television system permitted to be installed and operated hereunder shall:

(1) Be operationally capable of relaying to subscriber terminals those television and radio broadcast signals for the carriage of which the grantee is now or hereafter authorized by the Federal Communications Commission;

(2) Be constructed with the potential of two-way digital signal transmission;

(3) Distribute color television signals which it receives in color;

(4) Provide at least one channel, without charge, for exclusive use of the City and County;

(5) Provide at least one channel each for those educational and public access uses as now or hereafter required by the Federal Communications Commission for systems operating in the top 100 markets as set forth in the rules and regulations of the Federal Communications Commission; and

(6) Have a minimum capacity of 20 channels.

(b) **Nonbasic Services.** The cable television system permitted to be installed and operated hereunder, may also engage in the business of:

(1) Transmitting original cablecast programming not received through television broadcast signals;

(2) Transmitting television pictures, film and video-tape programs, not received through broadcast television signals, whether or not encoded or processed to permit reception by only selected receivers or subscribers; and

(3) Transmitting and receiving all other signals: digital, voice and audio-visual.

(c) **Subscriber Complaints.** In addition to other service regulations adopted by the Board, and excepting circumstances beyond grantee's control, such as acts of God, riots and civil disturbances, and in providing the foregoing services, the grantee shall:

(1) Limit system failures to minimum time duration by locating and correcting malfunctioning promptly, but in no event longer than 24 hours after occurrence, irrespective of holidays or other nonbusiness hours;

(2) Upon complaint by a subscriber, make a demonstration satisfactory to the Chief Administrative Officer that a signal is being delivered which is of sufficient strength and quality to meet the standards set forth in the regulations of the Federal Communications Commission, or in regulations hereafter adopted by the Board;

(3) Render efficient service, making repairs promptly and interrupting service only for good cause and for the shortest time possible. Planned interruptions, insofar as possible, shall be preceded by notice given to subscribers 24 hours in advance and shall occur during periods of minimum use of the system;

(4) Maintain an office in the City, which office shall be open during all usual business hours, with its telephone listed in directories of the telephone company serving the City, and be so operated that complaints and requests for repairs or adjustments may be received at any time, day or night, seven days a week; and

(5) Maintain a written record, or "log," listing date of customer complaints, identifying the subscriber and describing the nature of the complaint, and when and what action was taken by grantee in response thereto; said record shall be kept at grantee's local office, for a period of five years from the date when the system is first energized, and shall be available for inspection during regular business hours, without further notice or demand, by the Chief Administrative Officer.

(d) **Municipal Services.** (1) With respect to the local government channel, the grantee shall provide, at the request of the Chief Administrative Officer, and upon City and County reimbursement of grantee's actual cost, use of grantee's studio, equipment and technical services for production of live and video-tape municipal programs, subject to scheduling requirements of the grantee.

(2) With respect to the basic television services, the grantee shall provide all subscriber services, and a tie-in connection, without cost, when the system passes such facilities and as designated by the board, to

(A) Public schools and community colleges within the City and County, and

(B) Buildings owned and controlled by the City and County, used for public purposes and not for residential use (fire and police stations excepted).

(e) **Compatibility and Connectivity.** (1) It is the desire of the City and County that all cable television systems franchised hereunder shall, insofar as financially and technically possible, be compatible one with another and with systems adjacent to the City and County.

(2) Wherever it is financially and technically feasible, the grantee shall so construct, operate and modify the system so as to tie the same into all other systems within and adjacent to the City and County.

(f) **Uses Permitted.** Any franchise granted pursuant to the provisions of this ordinance shall authorize and permit the grantee to engage in the business of

operating and providing a cable television system in the City and County, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any street, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, and appliances, attachments, and other property as may be necessary and appurtenant to the cable television system; and, in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms or corporations, including but not limited to any public utility or other grantee franchised or permitted to do business in the City and County. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.24. FRANCHISE PAYMENTS. (a) In consideration of the granting and exercise of a franchise to use the streets, as herein defined, for the operation of a cable television system, any grantee shall pay to the City and County during the life of the franchise the following:

- (1) A percentage of its gross annual basic subscriber receipts;
- (2) A percentage of its gross annual nonbasic service receipts;
- (3) A percentage of its gross annual advertising receipts; and
- (4) A percentage of its gross annual lease receipts.

(b) The percentage payments shall be made in the manner, amounts and at times directed in said franchise or in a Board resolution fixing franchise fees and adopting rules for service and rate regulations.

(c) The City and County shall have the right to inspect the grantee's revenue records under the franchise and the right of audit and recomputation of any and all amounts payable under this ordinance. The cost of said audit shall be borne by grantee when the same results in increasing, by more than two percent, the grantee's annual payment to the City and County.

(d) No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the City and County may have for further or additional sums payable under this ordinance or for the performance of any other obligation hereunder. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.25. FRANCHISE TERM: DURATION AND TERMINATION. (a) The franchise granted by the Board under this ordinance shall be for a term of 15 years from the date of its acceptance by the grantee.

(b) The City and County may terminate any franchise granted pursuant to the provisions of this ordinance in the event of the failure, refusal or neglect by grantee to do or comply with any material requirement or limitation contained in this ordinance, or any material rule or regulation of the Board or Chief Administrative Officer validly adopted pursuant to this ordinance.

(c) The Chief Administrative Officer may make written demand that the grantee do or comply with any such requirement, limitation, term, condition, rule or regulation. If the failure, refusal or neglect of the grantee continues for a period of 30 days following such written demand, the Chief Administrative Officer may place the request for termination of the franchise with the Board. The Board shall cause to be served upon such grantee, at least 10 days prior to the date of any Board meeting regarding this matter, a written notice of request for such termination, and the time and place of the meeting, notice of which shall be published by the Board at least once 10 days before such meeting in a newspaper of general circulation within the City and County.

(d) The Board shall consider the request of the Chief Administrative Officer and shall hear any persons interested therein, and shall determine, in its discretion, whether or not any failure, refusal or neglect by the grantee was with just cause.

(e) If such failure, refusal or neglect by the grantee was with just cause, the Board shall direct the grantee to comply within such time and manner and upon such terms and conditions as are reasonable.

(f) If the Board shall determine such failure, refusal or neglect by the grantee was without just cause, then the Board may, by resolution, declare that the franchise of such grantee shall be terminated and forfeited unless there be compliance by the grantee within such period as the Board may fix.

(g) The termination and forfeiture of any franchise shall in no way affect any of the rights of the City and County under the franchise or any provision of law.

(h) In the event of any holding over after expiration or other termination of any franchise granted hereunder, without the prior consent of the City and County, expressed by resolution, the grantee shall pay to the City and County reasonable compensation and damages, of not less than 100 percent of its gross revenue during said period. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.26. APPLICATIONS FOR FRANCHISE. (a) Each application for a franchise to construct, operate, or maintain any cable television systems in this City and County shall be filed with the Board and shall contain or be accompanied by the following:

(1) The name, address, and telephone number of the applicant;

(2) A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to, the following and to whatever extent required by the City and County:

(A) The names, residence and business addresses of all officers, directors, and associates of the applicant.

(B) The names, residence and business addresses of all officers, persons and entities having, controlling, or being entitled to have or control of five percent or more of the ownership of the applicant and the respective ownership share of each such person or entity.

(C) The names and addresses of any parent or subsidiary of the applicant named, any other business entity owning or controlling applicant in whole or in part; or owned or controlled in whole or in part by the applicant; and a statement describing the nature of any such parent or subsidiary business entity, including, but not limited to, cable television systems owned or controlled by the applicant, its parent and subsidiary and the areas served thereby.

(D) A detailed description of all previous experience of the applicant in providing cable television system service and in related or similar fields.

(E) A detailed and complete financial statement of the applicant, prepared by a certified public accountant, for the fiscal year next preceding the date of the application hereunder; or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and the Board, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution or funding source to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the City and County; or a

statement from a certified public accountant, certifying that the applicant has available sufficient free net and uncommitted cash resources to construct and operate the proposed system in this City and County.

(F) A statement identifying, by place and date, any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of such system(s); and the amount of applicant's and its parent's subsidiary's resources committed to the completion thereof.

(b) A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to, the following:

(1) A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served.

(2) A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each of said classifications, including installation charges and service charges.

(3) A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant. In no event shall said operational and performance standards be less than those contained in Title 47, Subpart K (Section 76.601 et seq.), Rules and Regulations, Federal Communications Commission, adopted February 2, 1972, and as amended.

(4) A copy of the form of any agreement, undertaking, or other instrument proposed to be entered into between the applicant and any subscriber.

(5) A detailed statement setting forth in its entirety any and all agreements and undertakings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person, firm, or corporation which materially relate or pertain to or depend upon the application and the granting of the franchise.

(c) A copy of any agreement covering the franchise area, if existing between the applicant and any public utility subject to regulation by the California Public Utilities Commission providing for the use of any facilities of the public utility, including but not limited to poles, lines or conduits.

(d) Any other details, statements, information or references pertinent to the subject matter of such application which shall be required or requested by the Board, or by any provision of any other ordinance or the Charter of the City and County.

(e) The Board may, by advertisement or any other means, solicit and call for applications for cable television system franchises, and may determine and fix any date upon or after which the same shall be received by the City and County, or the date before which the same must be received; or the date after which the same shall not be received; and may make any other determinations and specify any other times, terms, conditions, or limitations respecting the soliciting, calling for, making and receiving of such applications.

The grantee shall pay to the City and County a sum of money sufficient to reimburse it for all publication expenses incurred by it in connection with the granting of a franchise pursuant to the provisions of this ordinance. Such payment shall be made within 30 days after the City and County furnishes the grantee with a written statement of such expenses.

(f) Upon receipt of any application for franchise, the Board shall refer the same to the Chief Administrative Officer who shall prepare a report and make his or her recommendations respecting such application, and cause the same to be completed and filed with the Board within 30 days.

The Board shall also refer the application for a franchise to the Cable Television Task Force which shall schedule and hold hearing on said application. Within 60 days of the Task Force's receipt of an application, it shall give to the Board its evaluation of the application and recommendations for Board action.

(g) In making any determination hereunder as to any application the Board may give due consideration to the quality of the service proposed, rates to subscriber, income to the City and County, experience, character, background, and financial responsibility of any applicant, and its management and owners, technical and performance quality of equipment.

Consideration will also be given to willingness and ability to meet construction and physical requirements, and to abide by policy conditions, franchise limitations and requirements, and any other considerations deemed pertinent by the Board for safeguarding the interests of the City and County and the public. The Board, in its discretion, shall determine the award of any franchise on the basis of such considerations and without competitive bidding.

If the Board shall determine to reject such application, such determination shall be final and conclusive, and the same shall be deemed rejected.

(h) If the Board shall determine to further consider the application, the following shall be done:

(1) The Board shall decide and specify the terms and conditions of any franchise to be granted hereunder and as herein provided.

(2) The Board shall pass its resolution of intention to consider the granting of such a franchise, giving notice of receipt of the application, and describing the character of the franchise desired, stating the name of the proposed grantee, the character of the franchise, the terms and conditions upon which such franchise is proposed to be granted, that copies of the proposed franchise may be obtained at the office of the Board, fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein or objection to the granting thereof may file written protests and appear before the Board and be heard, and directing the Clerk of the Board to publish said resolution at least once within 10 days of the passage thereof in a newspaper of general circulation within the City and County.

(i) At the time set for the hearing, or at any adjournment thereof, the Board shall proceed to hear all written protests. Thereafter, the Board shall make one of the following determinations:

(1) That such franchise be denied; or

(2) That such franchise be granted upon the terms and conditions as specified in the resolution of intention to grant the same; or

(3) That such franchise be granted, but upon the terms and conditions different from those specified in the resolution of intention to grant the same.

(j) If the Board shall determine that a franchise be denied, such determination shall be expressed by resolution and shall be final and conclusive.

If the Board shall determine that a franchise be granted upon the terms and conditions as specified in the resolution of intention to consider granting the same, such determination shall be expressed by ordinance granting a franchise to the applicant.

If the Board shall determine upon granting a franchise upon terms and conditions different from those specified in the resolution of intention to consider granting the same, then such determination shall be expressed by resolution adopted prior to granting a franchise by ordinance. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.27. BONDS: INDEMNIFICATIONS; INSURANCE. (a) **Performance Bond to City and County.** Upon being granted a franchise, upon the filing of the acceptance required under Section 11.28 hereof, the grantee shall file with the Controller and shall thereafter, annually, during the entire term of such franchise, maintain in full force and effect a corporate surety bond or other adequate surety agreement in such amount and kind as shall have been approved by the City Attorney. The bond or agreement shall be so conditioned that in the event that grantee shall fail to comply with any one or more of the provisions of this ordinance or of such franchise, then there shall be recoverable jointly and severally from the principal and surety any damages or loss, or costs suffered or incurred by the City and County as a result thereof, including attorney's fees and costs of any action or proceeding, and including the full amount of any compensation, indemnification, cost of removal or abandonment of any property or other costs which may be in default, up to the full principal amount of such bond. Said condition shall be a continuing obligation during the entire term of such franchise and thereafter until grantee shall have satisfied in full any and all obligations to the City and County which arise out of or pertain to said franchise. Neither the provisions of this Section, nor any bond accepted by the City and County and pursuant hereto, nor any damages recovered by the City and County thereunder shall be construed to excuse faithful performance by the grantee, or limit the liability of the grantee under any franchise issued pursuant to this ordinance or for damages either to the full amount of the bond, or otherwise.

(b) **Performance Bond for Subscribers.** Upon being granted a franchise and upon filing of the acceptance required under Section 11.28 hereof, the grantee shall file, annually, with the Controller and shall thereafter during the entire term of such franchise maintain in full force and effect a corporate surety bond, or other adequate surety agreement, in the amount as shall have been approved by the City Attorney. The bond or agreement shall be so conditioned that in the event such grantee shall fail to comply with any one or more of the provisions of any agreement or undertaking made between grantee and any subscriber, then there shall be recoverable jointly and severally from the principal and surety any damages or costs suffered or incurred by any subscriber as a result thereof, including reasonable attorneys' fees and costs of any action or proceeding. Said condition shall be a continuing obligation during the entire term of such franchise and thereafter until grantee shall have satisfied in full any and all obligations to any subscriber which arise out of or pertain to any such agreement or undertaking.

(c) **Hold Harmless Agreement.** Grantee shall indemnify and hold harmless the City and County, its officers, boards, commissions agents, and employees,

against and from any and all claims, demands, causes of actions, actions, suits, proceedings, damages (including but not limited to damages to City and County property and damages arising out of copyright infringements, and damages arising out of any failure by grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by grantee's cable television system), costs or liabilities (including costs or liabilities of the City and County with respect to its employees), of every kind and nature whatsoever, including but not limited to damages for injury or death or damage to person or property, and regardless of the merit of any of the same, and against all liability to others, and against any loss, cost, and expense resulting or arising out of any of the same, including any attorneys fees, accountant fees, expert witness or consultant fees, court costs, per diem expense, traveling and transportation expense, or other costs or expense arising out of or pertaining to the exercise or the enjoyment of any franchise hereunder by grantee, or the granting thereof by the City and County.

(d) **Defense of Litigation.** Grantee shall at the sole risk and expense of grantee, upon demand of the City and County, made by and through the City Attorney, appear in and defend any and all suits, actions, or other legal proceedings, whether judicial, quasi-judicial, administrative, legislative, or otherwise, brought or instituted or had by third persons or duly constituted authorities, against or affecting the City and County, its officers, boards, commissions, agents, or employees, and arising out of or pertaining to the exercise or the enjoyment of such franchise, or the granting thereof by the City and County.

Grantee shall pay and satisfy and shall cause to be paid and satisfied any judgment, decree, order, directive, or demand rendered, made or issued against grantee, the City and County, its officers, boards, commissions, agents, or employees in any of these premises; and such indemnity shall exist and continue without reference to or limitation by the amount of any bond, policy of insurance, deposit, undertaking or other assurance required hereunder, or otherwise; provided, that neither grantee nor City and County shall make or enter into any compromise or settlement of any claim, demand, cause of action, action, suit, or other proceeding, without first obtaining the written consent of the other.

(e) **Insurance Required.** Upon being granted a franchise, and upon the filing of the acceptance required under Section 11.28 hereof, the grantee shall file with the Controller and shall thereafter during the entire term of such franchise maintain in full force and effect at its own cost and expense each of the following policies of insurance:

(1) General comprehensive liability insurance in the amount of \$500,000, together with bodily injury liability insurance in an amount not less than \$300,000 for injuries including accidental death, to any one person, and subject to the same limit for each person in an amount not less than \$500,000 on account of any one occurrence, and property damage liability insurance in an amount not less than \$50,000 resulting from any one occurrence; provided, however, as follows:

(A) The City and County shall be named as an additional insured in any of said insurance policies; and

(B) Where such insurance is provided by a policy which also covers grantee or any other entity or person, it shall contain the standard cross-liability endorsement. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.28. ACCEPTANCE OF THE FRANCHISE. (a) No franchise granted under this ordinance shall become effective for any purpose unless and until written acceptance thereof shall have been filed with the Board. Written acceptance, which shall be in the form and substance approved by the City Attorney, shall also be and operate as an acceptance of each and every term and condition and limitation contained in this ordinance, or in such franchise, or otherwise specified as herein provided.

(b) The written acceptance shall be filed by the grantee not later than 12:01 p.m. of the 40th day next following the effective date of the ordinance granting such franchise.

(c) In default of the filing of such written acceptance as herein required, the grantee shall be deemed to have rejected and repudiated the franchise. Thereafter, the acceptance of the grantee shall not be received nor filed by the Board. The grantee shall have no rights, remedies, or redress in the premises, unless and until the Board, by resolution, shall determine that such acceptance be received or filed, and then upon such terms and conditions as the Board may impose.

(d) In any case, and in any instance, all rights, remedies and redress in these premises which may or shall be available to the City and County, shall at all times be available to the City and County, and shall be preserved and maintained and shall continuously exist in and to the City and County, and shall not be in any manner or means modified, abridged, altered, restricted, or impaired by reason of any of these premises, or otherwise.

(e) Any franchise granted and accepted under this ordinance shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by the grantee, of or pertaining to the construction, operation, or maintenance of any cable television systems in the City and County. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.29. LIMITATIONS OF FRANCHISE. (a) Every franchise granted under this Chapter shall be nonexclusive.

(b) No privilege or exemption shall be granted or conferred by any franchise granted under this Chapter except those specifically prescribed herein.

(c) Any privilege claimed under any such franchise by the grantee in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property.

(d) Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation or otherwise, without prior consent of the Board expressed by resolution, and then only under such conditions as may therein be prescribed.

Any such transfer or assignment shall be made only by an instrument in writing, such as a bill of sale, or similar document, a duly executed copy of which shall be filed in the office of the Board within 30 days after any such transfer or assignment. The said consent of the Board may not be unreasonably refused; provided, however, the proposed assignee must show financial responsibility as determined by the Board and must agree to comply with all provisions of this ordinance; and provided further, that no such consent shall be required for a

transfer in trust, mortgage, or other hypothecation, in whole or in part, to secure an indebtedness; except when such hypothecation shall exceed 50 percent of the market value of the property used by the franchisee in the conduct of the cable television system, prior consent of the Board shall be required for such a transfer. Such consent shall not be withheld unreasonably.

In the event that grantee is a corporation, prior approval of the Board expressed by ordinance, shall be required where there is an actual change in control or where ownership of more than 50 percent of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom already own 50 percent or more of the voting stock, singly or collectively. Any such acquisition occurring without prior approval of the Board shall constitute a failure to comply with a provision of this ordinance within the meaning of Section 11.25 of this ordinance.

(e) Time shall be of the essence of any such franchise granted hereunder. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this ordinance by any failure of the City and County to enforce prompt compliance.

(f) Any right or power in, or duty impressed upon, any officer, employee, department, or board of the City and County shall be subject to transfer by the City and County to any other officer, employee, department, or board of the City and County.

(g) The grantee shall have no recourse whatsoever against the City and County for any loss, cost, expense, or damage arising out of any provision or requirement of this ordinance or of any franchise issued hereunder or because of its enforcement.

(h) The grantee shall be subject to all requirements of City and County laws, rules, regulations, and specifications heretofore or hereafter enacted or established.

(i) Any such franchise granted shall not relieve the grantee of any obligations involved in obtaining pole or conduit space from any department of the City and County, utility company, or from others maintaining utilities in streets.

(j) Any franchise granted hereunder shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation, or maintenance of any cable television system in the City and County. The acceptance of any franchise hereunder shall operate, as between grantee and the City and County, as an abandonment of any and all of such rights, privileges, powers, immunities, and authorities within the City and County, to the effect that, as between grantee and the City and County, and all construction, operation and maintenance by any grantee of any cable television system in the City and County shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to said franchise, and not under or pursuant to any other right, privilege, power, immunity, or authority whatsoever. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.30. RIGHTS RESERVED TO THE CITY. (a) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City and County to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which

shall not include any amount for the franchise itself or for any of the rights or privileges granted. Nothing herein contained shall be construed to contract away or to modify or abridge, whether for a term or in perpetuity, the City and County's right of eminent domain.

(b) There is hereby reserved to the City and County every right and power which is required to be herein reserved or provided by any law, and the grantee, by its acceptance of the franchise, agrees to be bound thereby and to comply with any action or requirements of the City and County in its exercise of such rights or power, heretofore or hereafter enacted or established.

(c) There is hereby reserved to the City and County the power to amend any Section of this ordinance so as to require additional or greater standards of construction, operation, maintenance or otherwise, on the part of the grantee to reflect technical and economic changes occurring during the franchise term; and to enable the City and County and the grantee to take advantage of new developments in the cable television industry so as to more effectively, efficiently and economically serve the public.

(d) Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City and County.

(e) The Board may do all things which are necessary and convenient in the exercise of its jurisdiction under this ordinance and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The Chief Administrative Officer, with the approval of the City Attorney, is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any grantee under this ordinance, either on behalf of the City and County, the grantee, or any subscriber, in the best interest of the public.

Either the grantee or any member of the public who may be dissatisfied with the decision of the Chief Administrative Officer may appeal the matter to the Board for hearing and determination. The Board may accept, reject or modify the decision of the Chief Administrative Officer, and the Board may adjust, settle or compromise any controversy or cancel any charge arising from the operation of the grantee or from any provision of this ordinance. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.31. BOARD TO ADOPT RULES AND REGULATIONS. (a) Standards of Operation.

(1) Prior to receiving any applications for franchises, the Board may adopt rules, regulations and standards governing the operation of cable television systems in the City and County. Such rules, regulations and standards shall apply to and shall govern the operations of the grantee of any franchise hereunder, and are expressly declared a part of any franchise hereunder.

(2) Rules, regulations and standards not adopted prior to receiving any application for a franchise shall be adopted by the Board at the first regular meeting of the Board next following the effective date of this ordinance, by resolution which shall become effective upon adoption and shall be applicable to any application for a franchise previously received.

(3) The standards adopted shall govern the engineering, construction, installation, service, and maintenance of all cable television systems in the City and

County, including but not limited to standards governing carrier, levels, signal-to-noise ratios, hum modulation, distortion, levels, channel interactions and inter-reactions.

(4) Provided the same do not materially alter the content of the franchise without consent of the grantee, the Board may at any time adopt new rules or regulations or standards, or may amend, modify, delete, or otherwise change its respective rules or regulations or standards previously adopted, in the following manner:

The Board shall pass its resolution of intention stating or describing the rules or regulations or standards to be adopted, amended, modified, deleted, or otherwise changed, and fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein or objection thereto may appear before the Board and be heard. Such resolution shall direct the Clerk of the Board to publish the same at least once within 10 days of the passage thereof in a newspaper of general circulation within the City and County, and to mail a copy of the same to any grantee or applicant for a franchise, not more than 30 days nor less than 15 days prior to the time fixed for hearing thereon.

At the time set for such hearing, or at any adjournment thereof, the Board shall proceed to hear and pass upon such comments as may be presented. Thereafter, the Board, by its resolution, may adopt, amend, modify, delete, or otherwise change its respective rules, regulations and standards. Such determination by the Board shall be final and conclusive.

Any rule or regulation or standards as adopted, amended, modified, deleted, or otherwise changed by the Board shall become effective upon the 10th day following the adoption of such resolution, unless a longer period shall be otherwise provided in such resolution.

(b) Rates.

(1) Prior to granting any franchise hereunder the Board, by resolution, shall establish and fix all rates and charges for the basic service, herein defined, allowable to grantee, such as:

(A) Charges for installation;

(B) Subscriber rates; and

(C) Service charges for separate classifications of service (e.g., additional connections, etc.)

Once established, such rates or charges shall not be changed at any time after granting of a franchise, except after due notice hearing as provided herein.

(2) Rates and charges for services, other than the basic service, shall also be approved by the Board by resolution, after due notice and hearing as provided herein.

(3) In connection with any proposed change of any rates or charges of grantee to subscribers initiated by grantee, or the approval of rates for additional services, at any time after the granting of a franchise, the Board may direct the Chief Administrative Officer of the City and County to conduct a preliminary hearing into the matter. If so directed by the Board, the Chief Administrative Officer shall issue written notice fixing and setting forth the day, hour, and place certain when and where any persons having any interest therein may appear and be heard.

The Clerk of the Board shall cause such notice to be published in a newspaper of general circulation within the City and County. The Clerk of the Board also shall

cause a copy of such notice to be mailed to any grantee at least 10 days prior to the date specified for the hearing. At the time set for such hearing, or at any adjournment thereof, the Chief Administrative Officer or a designated alternate shall proceed to hear the matter. Following the close of such hearing, the Chief Administrative Officer or a designated alternate shall prepare and file with the Board a report of the hearing, with findings and an opinion containing a recommendations and the reasons therefor.

After the expiration of 10 days following receipt of the Chief Administrative Officer's report and opinion, and if no objection has been filed thereto, the Board shall determine whether to adopt the opinion or to hold a further hearing and shall pass its resolution of intention to do so, describing and stating any rates or charges to be changed, the reasons of the Board therefor, fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein may appear before the Board and be heard. Such resolution shall direct the Clerk of the Board to publish the same resolution at least once within 10 days of the passage thereof in a newspaper of general circulation within the City and County. The Clerk of the Board also shall cause a copy of such resolution to be mailed to the grantee at least 10 days prior to the date specified for hearing thereon.

At the time set for any further hearing, or at any adjournment thereof, the Board shall proceed to hear the matter.

If upon receipt of report and opinion, and the expiration of said 10 days without objection, or following the holding of a further hearing, if the Board determines to do so, the Board shall find that the changing of any rates or charges of grantee to subscribers will be fair to the system operator and not detrimental or injurious to the best interests and welfare of the subscribers and users, and of the City and County, then the Board, by resolution, shall authorize the change of rates or charges of grantee to subscribers and users as determined. Such resolution shall thereupon become and shall be a part of any franchise granted hereunder and affected thereby.

(4) Neither the Board nor the grantee shall, as to rates, charges, service, service facilities, rules, regulations or in any other respect, make or grant any preference or advantage to any person, nor subject any person to prejudice or disadvantage. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.32. PERMITS AND CONSTRUCTION. (a) Within 30 days after acceptance of any franchise, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses, and any other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems, or associated microwave transmission facilities.

In connection therewith, copies of all petitions, applications and communications—submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission, or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters affecting grantee's cable television operations—shall also be submitted simultaneously to the Chief Administrative Officer.

(b) Within 90 days after obtaining all necessary permits, licenses and authorizations, including right of access to poles and conduits, grantee shall commence construction and installation of the cable television system.

(c) Within 180 days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the installation and construction shall be pursued with reasonable diligence thereafter, so that service to all of the areas designated and scheduled on the map and plan of construction made part of the franchise shall be provided as set forth therein.

(d) Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein shall be grounds for termination of such franchise. By resolution, the Board, in its discretion, may extend the time for the commencement and completion of installation and construction for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond his or her control.

By acceptance of the franchise granted hereunder, grantee agrees that failure to comply with any time requirements referred to in Subsections (a), (b) and (c) of this Section will result in damage to the City and County, and that it is and will be impracticable to determine the actual amount of such damage in the event of delay; and grantee therefore agrees that, in addition to any other damage suffered by City and County, it will pay to City and County the sum of \$100 per day for each and every day's delay beyond the time prescribed, plus authorized extensions thereof, for completion of any of the acts required to be done by this Section.

(e) Grantee shall utilize existing poles, conduits, and other facilities whenever possible, and shall not construct or install any new, different, or additional poles, conduits, or other facilities whether on public property or on privately-owned property unless and until first securing the written approval of the Chief Administrative Officer.

Whenever grantee shall not utilize existing poles, conduits and other facilities, or whenever existing conduits and other facilities shall be located beneath the surface of the streets, or whenever the City and County shall undertake a program designed to cause all conduits and other facilities to be located beneath the surface of the streets in any area or throughout the City and County, in the exercise of its police power or pursuant to the terms hereof, upon reasonable notice to grantee, any such conduits or other facilities of grantee shall be constructed, installed, placed, or replaced beneath the surface of the streets. Any construction, installation, placement, replacement, or changes which may be so required shall be made at the expense of grantee, whose costs shall be determined as in the case of public utilities.

(f) The City and County shall have the right, free of charge, to make additional use, for any public or municipal purpose, whether governmental or proprietary, of any poles, conduits, or other similar facilities erected, controlled, or maintained exclusively by or for grantee in any street, provided such use by City and County does not interfere with the use by grantee.

(g) In those areas of the City and County where the transmission or distribution facilities of the respective public utilities providing telephone, communication and electric services are underground, or hereafter are placed underground, the grantee likewise shall construct, operate and maintain all of its transmission and

distribution facilities underground. The term "underground" shall include a partial underground system; provided, that upon obtaining the written approval of the Chief Administrative Officer, amplifiers in the grantee's transmission and distribution lines may be placed in appropriate housing upon the surface of the ground.

(h) The grantee, at his own expense, shall protect, support, temporarily disconnect, relocate, or remove any property of grantee when, in the opinion of the Chief Administrative Officer the same is required by reason of traffic conditions, public safety, street vacation, freeway or street construction, change or establishment of street grade, installation of sewers, drains, waterpipes, power line, signal line, transportation facilities, tracks, or any other types of structure or improvements by governmental agencies, whether acting in a governmental or proprietary capacity; or any other structure or public improvement, including but not limited to movement of buildings, urban renewal and redevelopment, and any general program under which the City and County shall undertake to cause all such properties to be located beneath the surface of the ground. The grantee shall in all cases have the privilege, subject to the corresponding obligations, to abandon any property of grantee in place, as herein provided. Nothing hereunder shall be deemed a taking of the property of grantee, and grantee shall be entitled to no surcharge by reason of anything hereunder.

(i) Upon the failure, refusal, or neglect of grantee to cause any work or other act required by law or hereunder to be properly completed in, on, over, or under any street within any time prescribed therefor, or upon notice given, where no time is prescribed, the Chief Administrative Officer may cause such work or other act to be completed in whole or in part, and upon so doing shall submit to grantee an itemized statement of the costs thereof. The grantee shall, within 30 days after receipt of such statement, pay to the City and County the entire amount thereof.

(j) In the event that,

(1) The use of any part of the system of grantee is discontinued for any reason for a continuous period of 30 days, without prior written notice to and approval by the City and County; or

(2) Any part of such system has been installed in any street or other area without complying with the requirements hereof; or

(3) Any franchise shall be terminated, cancelled, or shall expire, then the grantee shall, at the option of the City and County, and at the expense of grantee and at no expense to the City and County, and upon demand of the City and County, promptly remove from any streets or other area all property of grantee, and grantee shall promptly restore the street or other area from which such property has been removed to such condition as the Chief Administrative Officer shall approve.

The Board may, upon written application therefor by grantee, approve the abandonment of any of such property in place by grantee and under such terms and conditions as the Board may prescribe. Upon abandonment of any such property in place, grantee shall cause to be executed, acknowledged, and delivered to the City and County such instruments as the City Attorney shall prescribe and approve, transferring and conveying the ownership of such property to the City and County. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.33. MISCELLANEOUS PROVISIONS. (a) A franchise granted to provide service within the City and County shall authorize and permit the

grantee to solicit, sell, distribute, and make a charge to subscribers within the City and County for connection to the cable television system of grantee, and shall also authorize and permit the grantee to traverse any portion of the City and County in order to provide service outside the City and County.

(b) A franchise, easement, license or other permit granted to anyone other than the grantee to traverse any portion of the City and County in order to provide service outside the City and County shall not authorize nor permit said person to solicit, sell, distribute, or make any charge to subscribers within the City and County, nor to render any service or connect any subscriber within the City and County to the cable television service system of grantee.

(c) Grantee shall be subject to all provisions of the other ordinances, rules, regulations, and specifications of the City and County heretofore or hereafter adopted, including but not limited to those pertaining to works and activities in, on, over, under and about streets.

Any privilege claimed under any franchise granted pursuant to this ordinance in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property.

Grantee also shall be subject to the provisions of general laws of the State of California, or as hereafter amended, when applicable to the exercise of any privilege contained in any franchise granted under this ordinance, including but not limited to those pertaining to works and activities in and about state highways.

(d) Grantee shall be prohibited from directly or indirectly doing any of the following:

(1) Engaging in the business of selling at retail, leasing, renting, repairing or servicing of television sets or radios;

(2) Imposing a fee or charge for any service or repair to subscriber owned receiving devices except for the connection of its service or for the determination by grantee of the quality of its signal to the recipients thereof;

(3) Soliciting, referring, or causing or permitting the solicitation or referral of any subscriber to persons engaged in any business herein prohibited to be engaged in by grantee;

(4) Providing information concerning the viewing patterns of identifiable individual subscribers to any person, group or organization for any purpose.

(e) If the Federal Communications Commission or the Public Utilities Commission of the State of California or any other federal or state body or agency shall now or hereafter exercise any Paramount jurisdiction over the subject matter of any franchise granted under this ordinance, then to the extent such jurisdiction shall preempt or preclude the exercise of like jurisdiction by the City and County the jurisdiction of the City and County shall cease and no longer exist.

The pre-emption or preclusion of the exercise by the City and County of any of its police powers shall not diminish, impair, alter, or affect any contractual benefit to the City and County or grantee nor any contractual obligation of the grantee under any franchise issued hereunder.

Any and all minimum standards governing the operation of grantee and any and all maximum rates, ratios, and charges specified herein or in any franchise issued hereunder, existing now and at any time in the future, including such time as any paramount jurisdiction shall pre-empt or preclude that of the City and County, and any and all rights, powers, privileges, and authorities of the City and County to

determine, establish, or fix any of the same, are each and all hereby declared by the City and County and by any grantee accepting any franchise hereunder to be contractual in nature and to be for the benefit of the City and County.

(f) When not otherwise prescribed herein, all matters herein required to be filed with the City and County shall be filed with the Board.

(g) No person, firm or corporation within the service area of the grantee, and where trunk lines are in place, shall be refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or service charge.

(h) Before providing cable television service to any subscriber, the grantee shall provide a written notice to the subscriber substantially as follows:

"Subscriber is hereby notified that in providing cable television service the grantee is making use of public rights-of-way within the City and County of San Francisco and that the continued use of such rights-of-way is in no way guaranteed. In the event the continued use of such rights-of-way is denied to grantee for any reason, grantee will make every reasonable effort to provide service over alternate routes. By accepting cable television service, subscriber agrees he or she will make no claim nor undertake any action against the City and County of San Francisco, its officers, or its employees if the service to be provided hereunder is interrupted or discontinued."

(i) The form of the grantee's contract with the subscriber shall also be subject to approval of the City and County. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.34. EQUAL OPPORTUNITY EMPLOYMENT AND AFFIRMATIVE ACTION PLAN. Any franchise granted pursuant to the provisions of this ordinance shall contain a provision which incorporates by reference Chapter 12B of the San Francisco Administrative Code relating to non-discriminatory employment, making the provisions of the latter applicable to the franchise.

The grantee shall take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, sex, or sexual orientation. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

The grantee shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provision of this non-discrimination clause.

The grantee shall, in all solicitations or advertisements for employees placed by or on behalf of the grantee, state that all qualified applicants will receive consideration for employment without regard to race, creed, color, sex, or sexual orientation.

The grantee shall incorporate the foregoing requirements in all of its contracts for work relative to construction, maintenance and operation of the cable television system, other than contracts for standard commercial supplies or raw materials, and shall require all of its contractors for such work to incorporate such requirements in all subcontracts for such work. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.35. VIOLATIONS. (a) From and after the effective date of this ordinance, excepting the present franchise already granted to Television Signal Corporation, it shall be unlawful for any person to construct, install or maintain within any public street in the City and County, or within any other public property of the City and County, or within any privately owned area within the City and County which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City and County, any equipment or facilities for distributing any television signals or radio signals through a cable television system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this ordinance, and unless such franchise is in full force and effect.

(b) It shall be unlawful for any person, firm or corporation to make or use any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system within this City and County for the purpose of enabling said person, firm or corporation or others to receive or use any television signal, radio signal, picture, program or sound, without payment to the owner of said system.

(c) It shall be unlawful for any person, without the consent of the owner, to willfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

(d) Violations of any of the provisions of this Section shall be deemed a misdemeanor and upon conviction shall be punishable by imprisonment in the county jail not exceeding six months, or by fine not exceeding \$500, or both. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.36. SEVERABILITY. If any Section, subsection, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof. The Board hereby declares that it would have passed this ordinance and each Section, subsection, sentence, clause, and phrase hereof, irrespective of the fact that any one or more Sections, subsections, sentences, clauses or phrases be declared illegal, invalid or unconstitutional. The invalidity of any portion of this ordinance shall not abate, reduce or otherwise affect any consideration or other obligation required of the grantee of any franchise granted hereunder. (Added by Ord. 203-74, App. 4/24/74)

SEC. 11.37. BOARD OF SUPERVISORS MAY RENEW OR MODIFY FRANCHISE. The Board of Supervisors, by ordinance, may renew or modify an existing franchise with the consent and acceptance of the franchisee. The Board, pursuant to this Section, in its discretion, may modify any term of an existing franchise, or add additional terms it deems proper. (Amended by Ord. 542-80, App. 11/21/80)

SEC. 11.40. CITIZENS TELECOMMUNICATIONS POLICY COMMITTEE — ESTABLISHMENT. The Board of Supervisors shall establish and appoint a Citizens Telecommunication Policy Committee. (Added by Ord. 324-81, App. 6/19/81)

SEC. 11.41. CITIZENS TELECOMMUNICATIONS POLICY COMMITTEE — MEMBERSHIP. The committee shall consist of nine members who shall represent cable television subscribers and other public members, the educational community, agencies of the City and the cable television franchise holder. The representative of the franchise holder shall be an employee thereof. The committee shall meet on a monthly basis or as deemed necessary. (Amended by Ord. 442-81, App. 8/27/81)

SEC. 11.42. CITIZENS TELECOMMUNICATIONS POLICY COMMITTEE — DUTIES AND RESPONSIBILITIES. The duties of the committee shall be as follows:

(a) Review the CATV service within the community and make recommendations to the CATV grantee relative to changes in the service.

(b) Review specific issues at the direction of the Board of Supervisors and ascertain community needs and concerns relative to CATV by methods including but not limited to the following: (1) Annual polling of customers; (2) annual sample of polling of non-subscribers; (3) consulting with community leaders and representatives; (4) review of all customer complaints; (5) review construction plan and company compliance with same; (6) analyze the state-of-the-art including telecommunications construction, reception and programming equipment and resources.

(c) Make an annual report to the Board of Supervisors on January 1st, of each year.

(d) At three year intervals beginning January 1, 1983 the committee shall, if warranted, recommend changes in the franchise agreement and shall present its recommendations to the Board of Supervisors to amend the franchise agreement. (Amended by Ord. 164-83, App. 3/31/83)

SEC. 11.43. TERMS OF OFFICE. The members of the Telecommunications Committee shall serve at the pleasure of the Board of Supervisors for a two year period with staggered terms beginning February 1st, of each year. The initial organization will be within 90 days after the effective date of this ordinance with five members to serve until February 1, 1984 and four members to serve until February 1, 1983. The Committee may determine which members will serve the differing initial terms in the absence of Board of Supervisors designation. A chair and vice-chair shall be elected from among the members of the Committee. Services of the Committee shall be voluntary and members will serve without compensation. (Amended by Ord. 442-81, App. 8/27/81)

SEC. 11.44. CITIZENS TELECOMMUNICATIONS POLICY COMMITTEE — FUNDING. The committee's expenses for clerical support, reports and necessary office expenses shall be paid out of the General Fund in accordance with normal budget procedures. (Added by Ord. 324-81, App. 6/19/81)

CHAPTER 12**HOUSING AUTHORITY**

- Sec. 12.1. Findings of Board of Supervisors.
- Sec. 12.2. Appointment of Commissioners of Housing Authority.
- Sec. 12.3. Findings.
- Sec. 12.4. Contract Authority.
- Sec. 12.5. Rights and Duties of the Housing Authority.
- Sec. 12.6. Rights and Duties of the Controller.
- Sec. 12.7. Termination of Contract.

SEC. 12.1. FINDINGS OF BOARD OF SUPERVISORS. The Board of Supervisors of the City and County does hereby find and declare that.

- (a) There is need of the housing authority in the City and County;
- (b) Insanitary and unsafe inhabited dwelling accommodations exist within the City and County; and
- (c) There is a shortage of safe and sanitary dwelling accommodations in the City and County available to persons of low income at rentals which they can afford.

In finding and determining the aforesaid facts and things, the Board of Supervisors has taken into consideration the degree of overcrowding, the percentage of land coverage, the light, air, space and access available to the inhabitants of such dwelling accommodations, the size and arrangement of the rooms, the sanitary facilities and the extent to which conditions exist in such buildings which endanger life or property by fire or other causes. (Res. No. 3874 (C.S.))

SEC. 12.2. APPOINTMENT OF COMMISSIONERS OF HOUSING AUTHORITY. The Board of Supervisors, through the Clerk, shall notify the Mayor of the adoption of this Resolution (Chapter) and request the Mayor to appoint five persons as commissioners of the Housing Authority of the City and County. Such persons shall be appointed and shall serve in accordance with the provisions of Sections 34270 to 34280 of the State Health and Safety Code. (Res. No. 3874 (C.S.))

SEC. 12.3. FINDINGS. (a) The San Francisco Housing Authority was established to provide housing for residents of the City and County of San Francisco otherwise not able to secure decent, safe and sanitary dwellings, without overcrowding, through the private marketplace.

(b) The Housing Authority's accounting, fiscal and budgetary reporting systems are inadequate to enable the Housing Authority to keep expenditures within budgetary limits.

(c) For the past 12 months, the Housing Authority's monthly expenditures far exceed budgeted amounts.

(d) The Mayor has determined that the absence of an ongoing and modern accounting and reporting system that provides accurate and sufficient data to

enable the San Francisco Housing Commission and Housing Authority management to make informed judgments in approving budgets, authorizing expenditures or determining whether the Housing Authority expenditures are remaining within budgetary limits is a major weakness.

(e) The Housing Authority has agreed to reform its accounting, budgetary, and reporting procedures to ensure that information necessary to make informed, prudent and fiscally sound decisions timely and available. (Added by Ord. 167-85, App. 3/28/85)

SEC. 12.4. CONTRACT AUTHORITY. The Mayor and the Controller of the City and County of San Francisco (hereinafter referred to as "the Controller") are authorized to enter into a contract for a period not to exceed one year except for the first contract which is authorized to run through September 30, 1986, on behalf of the City and County of San Francisco, between the City and the Housing Authority wherein the City and the Housing Authority agree that the Controller shall perform certain functions and the Housing Authority agrees to comply with the standards of accounting and reporting recommended by the Controller. The standards governing the Controller's rights and duties and the Housing Authority's rights and duties under such a contract are set forth in Sections 12.5 and 12.6 of this Ordinance. (Added by Ord. 167-85, App. 3/28/85)

SEC. 12.5. RIGHTS AND DUTIES OF THE HOUSING AUTHORITY. (a) The Housing Authority shall within 90 days after the formation of the contract adopt and implement budgetary and accounting procedures and reporting practices that have been approved by the Controller in consistent with the Housing Authority's annual contribution contract with the United States Department of Housing and Urban Development and shall from time to time make such changes in said procedures and practices that the Controller deems necessary or appropriate. These accounting and budgetary procedures and reporting practices shall be designed to provide adequate and accurate information to the Housing Authority management and the Housing Commission, so that they may make budgetary, management and expenditure decisions consistent with the basic principal that expenditures shall remain within budgetary limits.

(b) The Housing Authority shall provide monthly reports to the Mayor and the Controller in such form and containing such information as the Controller deems appropriate.

(c) Subject to the prior approval of the Department of Housing Urban Development the Housing Authority shall maintain such reserves and in such amounts and of such assets as the Controller deems necessary to ensure that Housing Authority expenditures not exceed budgetary limits.

(d) Prior to submitting its budget to the United States Department of Housing and Urban Development, the Housing Authority shall: (i) First, obtain the certification of the Controller that the budget complies with the budgetary standards imposed by this ordinance and by the Controller under the authority of this ordinance, and, (ii) thereafter obtain the approval of the Mayor as to the substance and content of the budget. In no event shall the review of the Housing Authority budget by the Controller delay the submission of that budget to the United States Department of Housing and Urban Development beyond the deadline established by HUD.

(e) The Housing Authority shall afford to the Controller or his designated representatives access to all its accounts and records to whatever extent the Controller deems necessary to discharge his duties under the contract.

(f) Subject to the prior approval of the Department of Housing and Urban Development the Housing Authority shall employ at its own expense an independent accounting firm, to be approved by the Controller, to conduct an annual audit of its records. Copies of said audit report shall be delivered to the Mayor, the Board of Supervisors, the Controller, the Housing Commission, the Attorney General, and the United States Department of Housing and Urban Development. (Added by Ord. 167-85, App. 3/28/85)

SEC. 12.6. RIGHTS AND DUTIES OF THE CONTROLLER. (a) The Controller shall review and approve, pursuant to the standards set down in Section 12.5(a) of this Ordinance, the budgetary and accounting procedures, and reporting practices to be adopted and implemented by the Housing Authority.

(b) The Controller shall specify the form and content of the monthly reports to be submitted by the Housing Authority.

(c) The Controller shall review on a quarterly basis the expenditures, revenues, accounts receivable and accounts payable of the Housing Authority, as well as any other records or transactions as the Controller deems appropriate.

(d) The Controller shall issue quarterly reports to the Mayor, the Board of Supervisors and the Housing Authority with such comments and recommendations for accounting, budgetary, and reporting changes that the Controller deems appropriate to ensure that the Housing Authority operates in compliance with the standards set down in Section 12.5(a) of this Ordinance.

(e) In the event the Housing Authority fails to comply with its obligations under the contract or to adhere to any of the budgetary, accounting, reporting, or fiscal standards specified by the Controller, the Controller shall immediately issue a written report of said failure to the Mayor, the Board of Supervisors, and the Housing Commission. (Added by Ord. 167-85, App. 3/28/85)

SEC. 12.7. TERMINATION OF CONTRACT. The contract authorized by this Ordinance shall be terminable upon 90 days written notice by the Mayor on behalf of the City and County of San Francisco or by the Executive Director on behalf of the Housing Authority. (Added by Ord. 167-85, App. 3/28/85)

CHAPTER 12A

HUMAN RIGHTS COMMISSION

Sec. 12A.1.	Findings.
Sec. 12A.2.	Declaration of Policy.
Sec. 12A.3.	Scope of Ordinance.
Sec. 12A.4.	Establishment; Appointment; Terms; Executive Secretary.
Sec. 12A.5.	Powers and Duties.
Sec. 12A.6.	Advisory Council; Special Committees.
Sec. 12A.7.	Cooperation With Other Communities.
Sec. 12A.8.	Unfair Neighborhood Practices.
Sec. 12A.9.	Adjustment and Settlement of Complaints.
Sec. 12A.10.	Rules and Regulations.
Sec. 12A.11.	Reports.
Sec. 12A.12.	Data.
Sec. 12A.13.	Individual Remedies.
Sec. 12A.14.	Repeal.
Sec. 12A.15.	Severability.
Sec. 12A.16.	Meetings Public.

SEC. 12A.1. FINDINGS. The population of this City and County is composed of people of various racial, religious and ethnic groups. In this City and County the practice of discrimination on the grounds of race, religion, color, ancestry, age, sex, sexual orientation, disability or place of birth and the exploitation of prejudice related thereto adversely affects members of minority groups.

Such discriminatory practices are inimical to the public welfare and good order in that they: (a) Impede social and economic progress for the entire citizenry by preventing members of minority groups from achieving full development of their individual potentialities and from contributing fully to the cultural and business life of the community; (b) constantly frustrate, degrade and embitter members of minority groups, thereby diminishing their initiative and interests in the community; and (c) tend to create intergroup hostilities and antisocial behavior.

The products of discrimination accumulate continuously, with the result that the social, economic and educational gaps between those suffering discrimination and the majority of the community constantly widen. As a result, mere prohibition of future and present discrimination, while essential, will not reduce the inequalities and disadvantages which a history of discrimination has produced. Accordingly, affirmative remedial action must be initiated, encouraged and coordinated.

Experiences of other urban centers throughout the nation have proved the need for and effectiveness of commissions empowered to study community race relations problems, to work with interested citizens to develop programs to ameliorate tensions and reduce cultural, social and economic disadvantages and to encourage and coordinate implementation of such programs consistent with the needs and rights of members of both the majority and the minority.

A substantial number of the aforementioned evils in this City and County are beyond the regulation of applicable State law, and insofar as State law is applicable, voluntary compliance therewith should be fostered by a local human relations commission. (Amended by Ord. 75-77, App. 3/4/77)

SEC. 12A.2. DECLARATION OF POLICY. It is hereby declared:

That the policy of the City and County of San Francisco is to act to give effect to the rights of every inhabitant of the City and County to equal economic, political and educational opportunity, to equal accommodations in all business establishments in the City and County and to equal service and protection by public agencies:

That an instrumentality should be established to give effect to such rights, to eliminate prejudice and discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, disability, or place of birth, to inform the inhabitants of the City and County of developments in human relations, to provide expert advice and assistance to the officers, agencies, boards, departments and employees of the City and County in undertaking ameliorative practices to keep peace and good order and to officially encourage private persons and groups to promote and provide equal opportunity for and good will toward all people. (Amended by Ord. 75-77, App. 3/4/77)

SEC. 12A.3. SCOPE OF ORDINANCE. This ordinance applies to all discriminatory practices and to resulting intergroup tensions specifically covered by the provisions of this ordinance that occur within the territorial limits of or within any agency under the jurisdiction of the City and County of San Francisco and to the extent permitted by law, to activities outside this City and County which reasonably affect such practices and tensions within said territorial limits. Nothing in this ordinance, however, shall be interpreted or applied so as to create any power or duty in conflict with the preemptive effect of any federal or State law.

(a) As used in this Chapter, the term:

"Age" refers to and shall include any person who has attained the age of 40 years and has not attained the age of 65 years.

"Sex" shall mean the character of being male or female.

"Sexual orientation" shall mean the choice of human adult sexual partner according to gender.

"Disability" is a physical or mental impairment which substantially limits one or more major life activities, is regarded as having such an impairment, or has a record of such an impairment.

"Qualified Disabled Employee" shall mean a person able to perform the essential functions of a job with reasonable accommodation. (Amended by Ord. 489-86, App. 12/18/86)

SEC. 12A.4. ESTABLISHMENT; APPOINTMENT; TERMS; EXECUTIVE SECRETARY. (a) There is hereby established a commission to be known as the Human Rights Commission of the City and County of San Francisco (hereinafter called "Commission"), consisting of 15 members broadly representative of the general public and the employer, labor, religious, racial, age, sex, sexual orientation, disabled and ethnic groups in the City and County, to be appointed by the

Mayor. Four of the members who are first appointed shall be designated to serve for terms of one year, four for two years, four for three years and three for four years from the date of their appointments. Thereafter, members shall be appointed as aforesaid for a term of office of four years, except that all of the vacancies occurring during a term shall be filled for the unexpired term. A member shall hold office until his or her successor has been appointed and has qualified. The Commission shall elect a chair from among its members. The term of office as chair of the Commission shall be for the calendar year or for that portion thereof remaining after each such chair is designated or elected. The compensation of members of said Commission shall be \$25 for each meeting of the Commission actually attended by said members; provided, however, that no member shall be paid for attending more than four Commission meetings in any one calendar month.

(b) The position of Executive Secretary to the Commission shall be established pursuant to and subject to Sections 3.500 and 8.200 of the Charter of the City and County of San Francisco. The person occupying such position shall be appointed by the chair of the Commission with the approval of a majority of the members of the Commission. The position of Executive Secretary to the Commission shall be exempted from the residency and electoral requirements of Section 16.98 of the San Francisco Administrative Code. All staff personnel shall be under the immediate direction and supervision of the Executive Secretary. In addition to the duties enumerated above, the Executive Secretary shall coordinate and provide staff and personnel services for the Commission on the Status of Women. In order to provide such services, the Executive Secretary must be in receipt of a written request from the Commission on the Status of Women and said request must be approved by the Commission. (Amended by Ord. 503-83 App. 10/14/83)

SEC. 12A.5. POWERS AND DUTIES. In addition to the other powers and duties set forth in this ordinance, the Commission shall have the power and duty to:

(a) Study, investigate, mediate and hold public hearings on community-wide problems arising in this City and County which may result in intergroup tensions or discrimination because of race, religion, color, ancestry, age, sex, sexual orientation, physical disability or place of birth. In the performance of its duties under this Subsection, the Commission, as permitted by law, may require by subpoena ad testificandum setting forth the specific nature of its inquiry, the attendance and testimony under oath of any person directly involved in or concerned with discrimination within the scope of this ordinance whose presence and testimony is reasonably necessary to its inquiry; provided, however, that any such inquiry involving any agency, board, or officer of the City and County shall be governed by the provisions of Subsection (f) hereof. In case of the refusal of any person to attend or testify as required by a subpoena ad testificandum issued by the Commission, the Commission may proceed to petition for a court order pursuant to Section 1991 of the California Code of Civil Procedure.

(b) Prepare and disseminate educational and informational material relating to prejudice and discrimination and ways and means of eliminating such prejudice and discrimination.

(c) Furnish cooperation, information, guidance and technical assistance to other public agencies and private persons, organizations and institutions engaged in activities and programs intended to eliminate prejudice and discrimination.

(d) Consult with and maintain contact with other public agencies and with representatives of employers, labor unions, property owners associations, realtor associations, religious denominations and institutions, professional associations, national origin groups, community organizations concerned with interracial, inter-religious and intercultural understanding, social welfare organizations and such other private organizations and institutions as the Commission shall deem advisable to further the objectives of this ordinance.

(e) Cooperate with and make written recommendations to City and County agencies, boards and officers, as well as the agencies, boards or officers operating under State law within the City and County of San Francisco, towards the development and implementation of programs and practices for the purpose of furthering the objectives of this ordinance. The Commission and the affected agency, board or officer shall submit reports of progress in establishing and implementing such programs and practices as are from time to time requested by the Mayor through the chair of the Commission.

(f) Subject to the approval of the Mayor or the Chief Administrative Officer where appropriate, request of any City and County agency, board or office information, services, facilities and any other assistance for the purpose of furthering the objectives of this ordinance. All such requests shall be promptly complied with by the affected agency, board or officer.

(g) Investigate and, with the assent of the parties, mediate all incidents of discrimination within the scope of this ordinance to the extent such functions are not within the exclusive responsibilities of the California Fair Employment Practices Commission or any Federal or other State agency, and make specific and detailed recommendations to the interested parties as to the method of eliminating such discrimination. The Commission shall also be authorized to investigate complaints of discrimination brought by citizens involving agencies, boards or officers operating under State law within the City and County of San Francisco, and, where appropriate, to make written recommendations to said agencies or to represent citizens before said agencies.

(h) Prepare, encourage and coordinate programs of voluntary affirmative action to reduce or eliminate existing inequalities and disadvantages in the City and County resulting from past discriminatory practices. (Amended by Ord. 599-82, App. 12/24/82)

SEC. 12A.6. ADVISORY COUNCIL; SPECIAL COMMITTEES.

(a) There shall be established a council to be known as the Advisory Council on Human Rights (hereinafter called "Council"), representative of the following interests or groups: Employer, labor, racial, religious, ethnic, housing, appropriate governmental agencies, and such other as the Mayor shall deem advisable. The members of the Council shall be appointed by the Mayor to serve at his or her pleasure and shall not be subject to the residence requirements of the Charter. The Council shall advise the Commission and shall be authorized to mediate and conciliate, upon specific request by the Commission, and to perform such other functions as shall from time to time be deemed appropriate by the Commission.

Members of the council shall serve without compensation.

(b) The Commission may form such special committees within and without the Advisory Council as are necessary to assist the Commission in the solution of specific problems within the scope of its responsibilities. The members of such committees shall be appointed by the Mayor upon the recommendation of the Commission, and shall serve until released by the Mayor upon the recommendation of the Commission and shall be residents of the City and County of San Francisco.

Members of special committees shall serve without compensation.

(c) There shall be established a special committee of no fewer than three persons who are publicly identified with the lesbian/gay community or who have worked closely with such community. The members of the committee shall be appointed by the Commission and shall serve until released by the Commission. Members shall be residents of the City and County of San Francisco.

The committee shall address itself specifically to the identification and solution of problems associated with the lesbian/gay community, and shall file written reports thereon with the Commission.

Members of the committee shall serve without compensation and all meetings of the committee shall be public. (Amended by Ord. 540-82, App. 11/12/82)

SEC. 12A.7. COOPERATION WITH OTHER COMMUNITIES. The Commission shall consult with and maintain contact with the human relations officers and other appropriate officers of other communities in the Bay Area and shall cooperate in the development and implementation of intercommunity human relations programs to further the objectives of this ordinance. The Commission shall encourage the Association of Bay Area Governments to develop and implement similar programs. (Added by Ord. 209-64, App. 7/24/64)

SEC. 12A.8. UNFAIR NEIGHBORHOOD PRACTICES. (a) It shall be an unfair practice for any person, firm, partnership, association or corporation engaged in the business of real estate development, purchase, sale and/or brokerage to commit intentionally any one or more of the following acts in the course of such business:

(1) Induce directly or indirectly or attempt to induce directly or indirectly the sale or listing for sale of real property by representing that a change has occurred or will or may occur with respect to the racial, religious or ethnic composition of the block, neighborhood or area in which said property is located.

(2) Induce directly or indirectly or attempt to induce directly or indirectly the sale or listing for sale of real property by representing that the residence or anticipated residence of any particular race, religious or ethnic group in the area will or may result in: (i) the lowering of property values; (ii) a change in the racial, religious or ethnic composition of the block, neighborhood or area in which the property is located; (iii) an increase in criminal or antisocial behavior in the area; and (iv) a decline of the quality of the schools serving the area.

(3) Make any representation to any prospective purchaser that any block, neighborhood or area has undergone or will or might undergo a change with respect to the religious, racial or ethnic composition of the block, neighborhood or area for the purpose of discouraging the purchase of property in a particular area.

(b) Nothing in this ordinance shall be construed to discourage any person, firm, partnership, association or corporation from engaging in legitimate business practices related to the purchase from or sale to persons of any race, religion, color, ancestry, age, sex, sexual orientation, physical disability or place of birth, of real property in any neighborhood of this City and County, nor shall anything in this ordinance be construed as discouraging any person or family of whatever race, religion, color, ancestry, age, sex, sexual orientation, physical disability or place of birth from seeking real property in any neighborhood of this City and County. (Amended by Ord. 410-74, App. 8/28/74)

SEC. 12A.9. ADJUSTMENT AND SETTLEMENT OF COMPLAINTS. (a) Upon the filing with the Commission of a verified written complaint by any person specifying in detail that an unfair practice, as defined in Section 12A.8 hereof, has occurred, the chair of the Commission, pursuant to regulations duly adopted by the Commission, shall designate one of the commissioners to make, with the assistance of the Commission's staff, a full and prompt investigation in connection therewith. If, upon such investigation, it is found that the person charged in the complaint has not engaged in or is not engaging in such unlawful practice, such finding, in writing, shall be filed with the Commission and the complaint shall be dismissed. If, upon such investigation, it is found that probable cause exists for the allegations made in the complaint, the chair of the Commission, pursuant to regulations duly adopted by the Commission, shall direct appropriate personnel to endeavor to eliminate the unfair practice charged in the complaint by means of conciliation and persuasion.

(b) In case of failure to eliminate the unfair practice by the means provided in Subsection (a) of this Section, the Commission shall review the matter and shall, by conciliation and mediation, endeavor to eliminate the unfair practice. The Commissioner who shall have previously made the investigation provided for in Subsection (a) of this Section shall not participate in any of the proceedings hereunder except as a witness and the aforesaid endeavors at conciliation shall not be received in evidence. In furtherance of such conciliation and mediation, the Commission may make specific recommendations to the parties involved, but such recommendations shall not constitute a decision, finding of fact, judgment or order of the Commission, or be binding upon or be admissible in any court in any subsequent proceeding brought under Subsection (f) of this Section.

In the performance of its duties under the provisions of this Subsection, the Commission may require, by subpoena setting forth the specific nature of its inquiry, the attendance of any person and/or the production of any papers, documents or records under his or her control which are relevant and reasonably necessary to its activities. In case of the refusal of any person to attend or testify or produce any papers, documents or records required by a subpoena issued by the Commission, the Commission may proceed to petition for a court order pursuant to Section 1991 of the Code of Civil Procedure. All proceedings under this Subsection shall be public.

(c) All evidence and information given to or obtained by the Commission in any proceedings under the provisions of Subsection (a) of this Section shall be confidential, and except as provided in Subsection (a) of Section 12A.11 of this ordinance no such evidence or information shall be divulged or revealed to any

person other than parties to the proceedings, members of the Commission and its staff, and the City Attorney, or used against any person at any time by any member or employee of the Commission. Violation of this Subsection shall constitute official misconduct and shall constitute cause for removal or discharge pursuant to Section 8.341 of the Charter of the City and County of San Francisco.

(d) The voluntary giving or furnishing of any information or evidence to the Commission in any proceedings under the provisions of this Section shall not constitute a waiver of any legal or constitutional privileges or defenses.

(e) If the party committing the unfair practice complies with the recommendations of the Commission, the matter shall be deemed settled and terminated and no other proceedings shall be had or taken.

(f) If the Commission is unable to eliminate the unfair practice, it may certify the matter to the City Attorney for appropriate legal action to eliminate such unfair practice. The Commission shall, at the time of certifying said matter, transmit to the City Attorney a copy of its findings and recommendations in such case. The City Attorney shall proceed in the name of the City and County no less than 20 and no more than 40 days after certification, to secure from an appropriate court an order enjoining the defendant from continuing or repeating such practice. If the Commission, prior to the commencement of the court proceedings, as a result of its effort of adjustment or otherwise, finds that the potential defendant is no longer engaging in the unfair practice described in its findings and has complied with the recommendations of the Commission, no such proceeding shall be instituted.

(g) In any court proceedings instituted by the City Attorney hereunder, the court shall hear and consider the matter as if it had never been before the Commission. There shall be no presumptions in favor of any prior action of the Commission, nor shall there be any presumption against a defendant arising out of said defendant's refusal to comply with any recommendation of the Commission. In such cases, the burden of proof shall be upon the City and County to establish by competent and substantial evidence that the defendant has violated this ordinance. (Added by Ord. 209-64, App. 7/24/64)

SEC. 12A.10. RULES AND REGULATIONS. The Commission shall issue such rules and regulations for the conduct of its business as are necessary to carry out the purpose of this ordinance. Those portions of such rules and regulations which govern public hearings by the Commission shall conform as nearly as practicable to pertinent sections of the Administrative Procedure Act, Chapter 5 (commencing with Section 11500) of Part 1, Division 3, Title 2, of California Government Code. (Added by Ord. 209-64, App. 7/24/64)

SEC. 12A.11. REPORTS. The Commission shall render a written report of its activities to the Mayor and to the Board of Supervisors not less than once every three months. Such reports shall include:

(a) Case histories of conciliation settlements made under this ordinance, the disclosure of which, in the judgment of the Commission, will further the objectives of this ordinance, but such reports of case histories shall not include names or other facts which might clearly identify the parties involved, without the prior consent of the parties first obtained.

(b) Recommendations to the Mayor and the Board of Supervisors for the development of policies and procedures which will further the objectives of this ordinance.

(c) Recommendations to the Mayor and the Board of Supervisors for additional legislation deemed by the Commission to be necessary to carry out the purposes of this ordinance.

(d) Instances of discrimination by any agency, board or officer of this City and County which the Commission determines to have occurred subsequent to the issuance of its prior report.

(e) Recommendations of actions to be taken by any agency, board or officer of this City and County for the purposes of furthering the objectives of this ordinance. (Added by Ord. 209-64, App. 7/24/64)

SEC. 12A.12. DATA. The Commission shall maintain and, subject to the limitations of Section 12A.9 (c) of this ordinance, shall serve as the source of accurate and reliable data on practices, activities and other problems which are the subject of this ordinance. (Added by Ord. 209-64, App. 7/24/64)

SEC. 12A.13. INDIVIDUAL REMEDIES. Nothing in this ordinance or the provisions thereof shall be construed as granting to an aggrieved individual any right to pursue a civil action against any person, firm, partnership, association, corporation or any agency, board or officer of this City and County. (Added by Ord. 209-64, App. 7/24/64)

SEC. 12A.14. REPEAL. Any ordinance or part of any ordinance conflicting with the provisions of this ordinance hereby is repealed to the extent of such conflict. (Added by Ord. 209-64, App. 7/24/64)

SEC. 12A.15. SEVERABILITY. If any part or provision of this ordinance, or the application thereof to any person or circumstance, is held invalid, the remainder of the ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end the provisions of this ordinance are severable. (Added by Ord. 209-64, App. 7/24/64)

SEC. 12A.16. MEETINGS PUBLIC. All meetings of the Commission shall be public. (Added by Ord. 209-64, App. 7/24/64)

CHAPTER 12B**NONDISCRIMINATION IN CONTRACTS**

- Sec. 12B.1. All Contracts to Include Nondiscrimination Provisions; Definitions.
- Sec. 12B.2. Nondiscrimination Provisions of Contract.
- Sec. 12B.3. Human Rights Commission Empowered.
- Sec. 12B.4. Affirmative Action Guidelines.
- Sec. 12B.5. Chapter Applies Only to Discriminatory Employment Practices.
- Sec. 12B.6. Severability.

SEC. 12B.1. ALL CONTRACTS TO INCLUDE NONDISCRIMINATION PROVISIONS; DEFINITIONS. All contracting agencies of the the City and County of San Francisco, or any department thereof, acting for or on behalf of the City and County, shall include in all contracts, franchises, leases, concessions or other agreements involving real or personal property, hereinafter negotiated, let, awarded, granted, renegotiated, extended or renewed, in any manner or as to any portion thereof, a provision obligating the contractor, franchisee, lessee, concessionaire, or other party of said agreement not to discriminate on the ground or because of race, color, creed, national origin, ancestry, age, sex, sexual orientation, disability or Acquired Immune Deficiency Syndrome or AIDS Related Condition (AIDS/ARC), against any employee of, or applicant for employment with, such contractor, franchisee, lessee, or concessionaire, and shall require such contractor, franchisee, lessee or concessionaire to include a similar provision in all subcontracts, or subleases or other subordinate agreements let, awarded, negotiated or entered into thereunder.

(a) Definitions. As used in this Chapter the term: "Age" refers to and shall include any employee or applicant for employment who has attained the age of 40 years and has not attained the age of 65 years. For the purposes of this Section, discrimination because of age shall mean dismissal from employment of, or refusal to employ or rehire any person because of his or her age, if such person has attained the age of 40 years and has not attained the age of 65 years, if the person is physically able and mentally competent to perform the services required. Age limitations of apprenticeship programs in which the State or its political subdivisions participate shall not be considered discriminatory within the meaning of this Section.

"Contract" shall mean and include an agreement to provide labor, materials, supplies or services in the performance of a contract, franchise, concession or lease granted, let or awarded for and on behalf of the City and County of San Francisco.

"Contractor" means any person or persons, firm, partnership, corporation, or combination thereof, who submits a bid and/or enters into a contract with department heads and officers empowered by law to enter into contracts on the part of the City and County for public works or improvements to be performed, or for a franchise, concession or lease of property, or for goods, services or supplies to be purchased, at the expense of the City and County or to be paid out of moneys deposited in the treasury or out of trust moneys under the control or collected by the City and County.

“Subcontractor” means any person or persons, firm, partnership, corporation or any combination thereof, who enters into a contract or agreement with the contractor to perform a substantial specified portion of the contract for public works, improvements, supplies, goods or services, or for a lease, franchise or concession, let, granted or awarded for or on behalf of the City and County in accordance with the plans and specifications of such contract. Such term shall include any contractor who enters into a contract with any subcontractor for the performance of 10 percent or more of the subcontract.

“Subcontract” shall mean and include an agreement or contract under or subordinate to a prime contract, franchise, lease, or concession granted, let or awarded for or on behalf of the City and County of San Francisco.

“Concession” includes a grant of land or other property by or on behalf of the City and County of San Francisco to a person for the purpose or use specified in said grant.

“Concessionaire” shall mean and include a person who is the grantee or beneficiary of a concession as herein defined.

“Franchise” shall mean and include a right or privilege conferred by grant from the City and County of San Francisco, or any contracting agency thereof, and vested in and authorizing a person to conduct such business or engage in such activity as is specified in said grant.

“Franchisee” shall mean and include a person who is the grantee or beneficiary of a franchise as herein defined.

“Lease” shall mean and include a contract by which the the City and County of San Francisco, or any contracting agency thereof, grants to a person the temporary possession and use of property, for reward, and the latter agrees to return the same to the former at a future time.

“Lessee” shall mean and include a person or tenant taking possession of property under a lease as herein provided, and further included a bailee under a bailment agreement providing a rental for personal property.

“Sublease” shall mean and include a lease by which a lessee or tenant grants or lets to another person part or all of the leased property for a shorter term and under which said lessee or tenant retains some right or interest under the original lease.

“Sex” shall mean the character of being male or female.

“Sexual orientation” shall mean the choice of human adult sexual partner according to gender.

“Disability” is a physical or mental impairment which substantially limits one or more major life activities, is regarded as having such an impairment, or has a record of such an impairment.

“Qualified Disabled Employee” shall mean a person able to perform the essential functions of a job with reasonable accommodation.

“Supplier” means any person or persons, firm, partnership, corporation, or any combination thereof, who submits a bid or enters into a contract with the awarding agency of the City and County, or who submits a bid or enters into a contract with any contractor, subcontractor, lessee, sublessee, franchisee or concessionaire engaged in the performance of a contract let, awarded or granted by or on behalf of the City and County, for the supplying of goods, materials, services, equipment or furnishings. (Amended by Ord. 489-86, App. 12/18/86)

SEC. 12B.2. NONDISCRIMINATION PROVISIONS OF CONTRACT. Every contract or subcontract for or on behalf of the the City and County of San Francisco, as provided in Section 12B.1 hereof, shall contain the provisions following which shall be known as the nondiscrimination provisions of such contract.

In the performance of this contract, the contractor, subcontractor or supplier agrees as follows:

(a) Wherever the work is performed or supplies are manufactured in the United States, the contractor, subcontractor or supplier will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age, sex, sexual orientation, disability or AIDS/ARC. Discrimination on the basis of sex includes sexual harassment as defined in Section 16.9-25(b) of this Code. The contractor, subcontractor or supplier will take affirmative action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to their race, color, religion, ancestry, national origin, age, sex, sexual orientation, disability or AIDS/ARC. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. Nothing in this ordinance shall require or prohibit the establishment of new classifications of employees in any given craft. The provisions of this Section with respect to age shall not apply to (1) termination of employment because of the terms or conditions of any bona fide retirement or pension plan, (2) operation of the terms of conditions of any bona fide retirement or pension plan which has the effect of a minimum service requirement, (3) operation of the terms or conditions of any bona fide group or insurance plan. The contractor, subcontractor or supplier agrees to post in conspicuous places, available to employees and applicants or employees and applicants for employment, notices in such form and content as shall be furnished or approved by the awarding authority setting forth the provisions of this Section.

(b) Except as in this Section provided or in cases where the law compels or provides for such action any provisions in any contract agreement or undertaking entered into on or after the effective date of this Chapter which prevent or tend to prevent the employment of any person solely by reason of his or her age, who has attained the age of 40 years and has not attained the age of 65 years shall be null and void.

(c) The contractor, subcontractor or supplier shall provide reasonable accommodation for qualified applicants for employment and for qualified disabled employees. Said contractor, subcontractor or supplier need not provide reasonable accommodation if such would present an undue hardship. An undue hardship may include but not be limited to de minimus cost, violation of the seniority rights of other co-workers as established by a bona fide seniority system, or would present a health or safety risk to the employee or co-employees. The burden of establishing an undue hardship rests on the employer.

(d) The contractor, subcontractor or supplier will in all solicitations or advertisements for employees placed by or on his or her behalf, state that qualified applicants will receive consideration for employment without regard to race, creed,

"Subcontractor" means any person or persons, firm, partnership, corporation or any combination thereof, who enters into a contract or agreement with the contractor to perform a substantial specified portion of the contract for public works, improvements, supplies, goods or services, or for a lease, franchise or concession, let, granted or awarded for or on behalf of the City and County in accordance with the plans and specifications of such contract. Such term shall include any contractor who enters into a contract with any subcontractor for the performance of 10 percent or more of the subcontract.

"Subcontract" shall mean and include an agreement or contract under or subordinate to a prime contract, franchise, lease, or concession granted, let or awarded for or on behalf of the City and County of San Francisco.

"Concession" includes a grant of land or other property by or on behalf of the City and County of San Francisco to a person for the purpose or use specified in said grant.

"Concessionaire" shall mean and include a person who is the grantee or beneficiary of a concession as herein defined.

"Franchise" shall mean and include a right or privilege conferred by grant from the City and County of San Francisco, or any contracting agency thereof, and vested in and authorizing a person to conduct such business or engage in such activity as is specified in said grant.

"Franchisee" shall mean and include a person who is the grantee or beneficiary of a franchise as herein defined.

"Lease" shall mean and include a contract by which the the City and County of San Francisco, or any contracting agency thereof, grants to a person the temporary possession and use of property, for reward, and the latter agrees to return the same to the former at a future time.

"Lessee" shall mean and include a person or tenant taking possession of property under a lease as herein provided, and further included a bailee under a bailment agreement providing a rental for personal property.

"Sublease" shall mean and include a lease by which a lessee or tenant grants or lets to another person part or all of the leased property for a shorter term and under which said lessee or tenant retains some right or interest under the original lease.

"Sex" shall mean the character of being male or female.

"Sexual orientation" shall mean the choice of human adult sexual partner according to gender.

"Disability" is a physical or mental impairment which substantially limits one or more major life activities, is regarded as having such an impairment, or has a record of such an impairment.

"Qualified Disabled Employee" shall mean a person able to perform the essential functions of a job with reasonable accommodation.

"Supplier" means any person or persons, firm, partnership, corporation, or any combination thereof, who submits a bid or enters into a contract with the awarding agency of the City and County, or who submits a bid or enters into a contract with any contractor, subcontractor, lessee, sublessee, franchisee or concessionaire engaged in the performance of a contract let, awarded or granted by or on behalf of the City and County, for the supplying of goods, materials, services, equipment or furnishings. (Amended by Ord. 489-86, App. 12/18/86)

SEC. 12B.2. NONDISCRIMINATION PROVISIONS OF CONTRACT. Every contract or subcontract for or on behalf of the the City and County of San Francisco, as provided in Section 12B.1 hereof, shall contain the provisions following which shall be known as the nondiscrimination provisions of such contract.

In the performance of this contract, the contractor, subcontractor or supplier agrees as follows:

(a) Wherever the work is performed or supplies are manufactured in the United States, the contractor, subcontractor or supplier will not discriminate against any employee or applicant for employment because of race, color, religion, ancestry, national origin, age, sex, sexual orientation, disability or AIDS/ARC. Discrimination on the basis of sex includes sexual harassment as defined in Section 16.9-25(b) of this Code. The contractor, subcontractor or supplier will take affirmative action to ensure that applicants are employed, and that employees are treated equally during employment, without regard to their race, color, religion, ancestry, national origin, age, sex, sexual orientation, disability or AIDS/ARC. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rate of pay or other forms of compensation; and selection for training, including apprenticeship. Nothing in this ordinance shall require or prohibit the establishment of new classifications of employees in any given craft. The provisions of this Section with respect to age shall not apply to (1) termination of employment because of the terms or conditions of any bona fide retirement or pension plan, (2) operation of the terms of conditions of any bona fide retirement or pension plan which has the effect of a minimum service requirement, (3) operation of the terms or conditions of any bona fide group or insurance plan. The contractor, subcontractor or supplier agrees to post in conspicuous places, available to employees and applicants or employees and applicants for employment, notices in such form and content as shall be furnished or approved by the awarding authority setting forth the provisions of this Section.

(b) Except as in this Section provided or in cases where the law compels or provides for such action any provisions in any contract agreement or undertaking entered into on or after the effective date of this Chapter which prevent or tend to prevent the employment of any person solely by reason of his or her age, who has attained the age of 40 years and has not attained the age of 65 years shall be null and void.

(c) The contractor, subcontractor or supplier shall provide reasonable accommodation for qualified applicants for employment and for qualified disabled employees. Said contractor, subcontractor or supplier need not provide reasonable accommodation if such would present an undue hardship. An undue hardship may include but not be limited to de minimus cost, violation of the seniority rights of other co-workers as established by a bona fide seniority system, or would present a health or safety risk to the employee or co-employees. The burden of establishing an undue hardship rests on the employer.

(d) The contractor, subcontractor or supplier will in all solicitations or advertisements for employees placed by or on his or her behalf, state that qualified applicants will receive consideration for employment without regard to race, creed,

color, ancestry, national origin, age, sex, sexual orientation or disability. Any solicitations or advertisements that satisfy similar requirements under federal law, subject to the approval of the awarding authority, will also satisfy this requirement.

(e) The contractor, subcontractor or supplier will send to each labor union or representative of workers with which he or she has a collective bargaining agreement or other contract or understanding, a notice, in such form and content as shall be furnished or approved by the awarding authority, advising the said labor union of workers' representative of the contractor's, subcontractor's or supplier's commitments under this Section, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(f) The contractor, subcontractor or supplier will permit access to his records of employment, employment advertisements, application forms, and other pertinent data and records by the awarding authority, the Fair Employment Practices Commission or the San Francisco Human Rights Commission, for the purposes of investigation to ascertain compliance with the nondiscrimination provisions of this contract, and on request provide evidence that he or she has or will comply with the nondiscrimination provisions of this contract.

(g) That contractor, subcontractor or supplier shall be deemed to have breached the nondiscrimination provisions of this contract upon:

(1) A finding by the director of the San Francisco Human Rights Commission, or such other official who may be designated by the Human Rights Commission, that contractor, subcontractor, or supplier has wilfully violated such nondiscrimination provisions; or

(2) A finding by the Fair Employment Practices Commission of the State of California that a contractor, subcontractor or supplier has violated any provision of the Fair Employment Practices Act of California or the nondiscrimination provisions of this contract; provided, that the Fair Employment Practices Commission has issued a final order pursuant to Section 1426 of the Labor Code, or has obtained a final injunction pursuant to Section 1429 of the Labor Code; provided further, that for the purposes of these provisions, an order or injunction shall not be considered final during the period within which (1) appeal may be taken, or (2) the same has been stayed by order of court, or (3) further proceedings for vacation, reversal or modification are in progress before a competent administrative or judicial tribunal.

(3) Upon such finding by the Director of the Human Rights Commission, or other official designated by the Human Rights Commission, or the Fair Employment Practices Commission, the awarding authority shall notify the contractor, subcontractor or supplier that unless he or she demonstrates to the satisfaction of the Director of the San Francisco Human Rights Commission, or other official designated by the Human Rights Commission, within such reasonable period as the Human Rights Commission shall determine, that the violation has been corrected, action will be taken as set forth in subparagraph (h) and (i) hereof.

(4) The Human Rights Commission shall, within ten days of the date of issuance of any finding by the Director of the Human Rights Commission or other official designated by the commission in the enforcement of this chapter, mail to any person or persons affected by said finding, a copy of said finding, together with

written notice of his right to appeal. Notice of appeal must be filed in writing with the chairman of the Commission within 20 days of the date of mailing said copy and notice.

(5) For purpose of appeal proceedings under this Section, a quorum shall consist of eight members of the Commission. The vote of the majority of the full Commission shall be necessary to affirm reverse or modify such decisions, order or other action rendered hereunder. Should a member of the Human Rights Commission be designated under Section 12B.2(f)(1) of this contract, that commissioner may not participate in an appeal under this Section except as a witness.

(6) The presiding officer of the Commission shall have the power to administer oaths to witnesses in appeals before the commission under this Section. In the event that any person shall fail or refuse to appear as a witness in any such proceeding after being requested to do so, and if it shall appear to the Commission that his or her testimony, or books, records, documents or other things under his or her control are material and relevant as evidence in the matter under consideration by the Commission in the proceeding, the presiding officer of the Commission may subpoena such person, requiring his or her presences at the proceeding, and requiring him or her to bring such books, records, documents or other things under his or her control.

(7) All appeals to the Human Rights Commission shall be open to the public. Records and minutes shall be kept of such proceedings and shall be open to public inspection. Upon reaching a decision in any appeal, the Commission shall give written notice thereof to the Director of the Human Rights Commission, or other official designated by the Human Rights Commission, and the appellant or appellants. The decision of the Commission shall be final unless within 15 days of the filing and service of written notice thereof appropriate legal proceedings are filed in a court of competent jurisdiction by any party to this contract.

(8) If any contractor, subcontractor or supplier under contract to the City and County of San Francisco shall fail to appear at an appeal proceeding of the Commission after having been given written notice to appear, such failure to appear shall be grounds for cancellation of the contract or subcontract and such contractor, subcontractor or supplier shall be deemed to have forfeited all rights, benefits and privileges thereunder.

(9) The Human Rights Commission of San Francisco shall promulgate rules and regulations for the implementation of the nondiscrimination provisions of this contract, and such rules and regulations shall, so far as practicable, be similar to those adopted in applicable federal executive orders.

(h) There may be deducted from the amount payable to the contractor, subcontractor or supplier by the City and County of San Francisco under this contract a penalty of \$50 for each person for each calendar day during which such person was discriminated against in violation of the provisions of this contract. In addition to any other penalties herein provided for the violation of the non-discrimination provisions of this contract or for the failure of any contractor, subcontractor or supplier to abide by the rules and regulations herein contained, this contract may be forthwith cancelled, terminated or suspended, in whole or in part, by the contracting agency upon the basis of a finding as set forth in Section

12B.2(f) that the contractor, subcontractor or supplier has discriminated contrary to the provisions of this contract, and all moneys due or to become due hereunder may be forfeited to, and retained by, the City and County of San Francisco.

(i) A breach of the nondiscrimination provisions in the performance of this contract shall be deemed by the City and County of San Francisco to be material breach of contract and basis for determination by the officer, board or awarding authority responsible for the awarding or letting of such contract that the contractor, subcontractor or supplier is an irresponsible bidder as to all future contracts for which such contractor, subcontractor or supplier may submit bids. Such person, firm or corporation shall not for a period of two years thereafter, or until he shall establish and carry out a program in conformity with the nondiscrimination provisions of this contract, be allowed to act as a contractor, subcontractor or supplier under any contract for public works, goods or services for or on behalf of the City and County of San Francisco.

(j) Nothing contained in this contract shall be construed in any manner so as to prevent the City and County of San Francisco from pursuing any other remedies that may be available at law.

(k) Nothing contained in this contract shall be construed in any manner so as to require or permit the hiring of aliens on public works as prohibited by law.

(l) The contractor, subcontractor or supplier will meet the following standards for affirmative compliance:

(1) If the contractor, subcontractor or supplier has been held to be an irresponsible bidder under Section 12B.2(i) hereof, he or she shall furnish evidence that he or she has established and is carrying out a program in conformity with the nondiscrimination provisions of this contract.

(2) The contractor, subcontractor or supplier may be required to file with the Human Rights Commission a basic compliance report, which may be a copy of the federal EEO-1, or a more detailed report as determined by the Commission. Wilful false statements made in such reports shall be punishable as provided by law. No contractor, subcontractor or supplier shall be held in nonconformance for not filing such a report with the Human Rights Commission unless he or she has been specifically required to do so in writing by the Human Rights Commission.

(3) Personally, or through his or her representatives, the contractor, subcontractor or supplier shall, through negotiations with the unions with whom he or she has collective bargaining or other agreements requiring him or her to obtain or clear his or her employees through the union, or when he or she otherwise uses a union as an employment resource, attempt to develop an agreement which will:

(a) Define and outline responsibilities for nondiscrimination in hiring, referral, upgrading and training.

(b) Otherwise implement an affirmative antidiscrimination program in terms of the unions' specific areas of skill and geography, such as an apprenticeship program, to the end that minority workers will be available and given an equal opportunity for employment.

(4) The contractor, subcontractor supplier or trade association shall notify the contracting agency of opposition to the nondiscrimination provisions of this contract by individuals, firms or organizations during the term of this contract. (Amended by Ord. 489-86, App. 12/18/86; Ord. 84-87, App. 3/20/87)

SEC. 12B.3. HUMAN RIGHTS COMMISSION EMPOWERED. The San Francisco Human Rights Commission, its presiding officer and its director are hereby granted the power to do all acts and exercise all powers referred to in Section 12B.2 hereof. (Added by Ord. 261-66, App. 10/21/66)

SEC. 12B.4. AFFIRMATIVE ACTION GUIDELINES. The following affirmative action guidelines shall apply to all contracts for or on behalf of the City and County of San Francisco, as provided in Section 12B.1 hereof.

In order to be eligible to bid or to have a bid considered by the awarding agency, the contractor in all contracts shall submit an affirmative action program which shall meet the requirements of the Human Rights Commission.

The Human Rights Commission may also require contractors, subcontractors and suppliers to take part in a pre-bid or pre-award conference in order to develop, improve or implement a qualifying affirmative action program.

(a) Affirmative action nondiscrimination programs developed pursuant to this Section shall be effective for a period of 12 months next succeeding the date of approval by the Human Rights Commission. Contractors, subcontractors and suppliers who are members in good standing of a trade association which has negotiated an affirmative action nondiscrimination program with the Human Rights Commission may make this association program their commitment for the specific contract upon approval of the Human Rights Commission without the process of a separate pre-bid or pre-award conference. Such an association agreement shall be effective for a period of 12 months next succeeding the date of approval by the Human Rights Commission. Trade associations shall provide the Human Rights Commission with a list of members in good standing in such association. The Human Rights Commission shall annually supply contracting agencies of the City and County with a list of contractors, subcontractors and suppliers who have developed approved affirmative action nondiscrimination programs.

(b) The awarding agency shall be responsible for notifying all prospective bidders of the requirements of this Section and also when requested by Human Rights Commission, for notifying the Human Rights Commission of each contract which is being proposed to be put to public bid.

(c) The proposed affirmative action program required to be submitted under Section 12B.4 hereof, and the pre-bid or pre-award conference which may be required by Human Rights Commission, shall, without limitation as to the subject or nature of employment activity, be concerned with such employment practices as:

- (1) Apprenticeship where approved programs are functioning, and other on the job training for nonapprenticeable occupations;
- (2) Classroom preparation for the job when not apprenticeable;
- (3) Preapprenticeship education and preparation;
- (4) Upgrading training and opportunities;
- (5) Encouraging the use of contractors, subcontractors and suppliers of all ethnic groups, provided, however, that any contract subject to this ordinance shall

require the contractor, subcontractor or supplier to provide not less than the prevailing wage, working conditions, and practices generally observed in private industries in the City and County of San Francisco for such work; and

(6) The entry of qualified minority journeymen into the industry.

(d) Affirmative action nondiscrimination agreements resulting from the proposed affirmative action programs or the pre-bid or pre-award conferences shall not be confidential and may be publicized by the Human Rights Commission at its discretion. In addition, the Human Rights Commission may report to the Board of Supervisors, either on request of the Board or on its own initiative, on the progress or the problems which attend the implementation of these agreements or any other aspect of enforcement of this ordinance.

(e) Any job training or education program using the funds, facilities, or staff of the City and County of San Francisco which, in the judgment of the Board of Supervisors or the Human Rights Commission, can make a contribution to the implementation of this ordinance shall submit reports to the Human Rights Commission as requested and shall be required to cooperate with the contractors, subcontractors, suppliers and unions and with the Human Rights Commission for the effectuation of the affirmative action nondiscrimination programs developed under this ordinance. (Amended by Ord. 498-75, App. 1/5/75)

SEC. 12B.5. CHAPTER APPLIES ONLY TO DISCRIMINATORY EMPLOYMENT PRACTICES. This Chapter shall not confer upon the City and County of San Francisco or any agency, board or commission thereof any power not otherwise provided by law to determine the legality of any existing collective bargaining agreement and shall have application only to discriminatory employment practices by contractors, subcontractors or suppliers engaged in the performance of City and County contracts.

(a) The Board of Supervisors shall appropriate such funds from the General Fund of the City and County of San Francisco, subject to budgetary and fiscal provisions of the Charter, as it may deem necessary for the enforcement of this ordinance. (Amended by Ord. 340-68, App. 12/6/68)

SEC. 12B.6. SEVERABILITY. If any clause, sentence, paragraph or part of this Title or the application thereof to any person or circumstances, shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this title. (Amended by Ord 261-66, App. 10/21/66)

CHAPTER 12C**NONDISCRIMINATION IN PROPERTY CONTRACTS**

- Sec. 12C.1. All Property Contracts to Include Nondiscrimination Provisions.
- Sec. 12C.2. Definitions.
- Sec. 12C.3. Nondiscrimination Provisions of Property Contracts.
- Sec. 12C.4. Human Rights Commission Empowered.
- Sec. 12C.5. Funding.
- Sec. 12C.6. Severability.

SEC. 12C.1. ALL PROPERTY CONTRACTS TO INCLUDE NONDISCRIMINATION PROVISIONS. All contracting agencies of the City and County of San Francisco, or any department thereof, acting for or on behalf of the City and County, shall include in all contracts, franchises, leases, concessions or other agreements involving the lease, rental, or other use of real property and improvements thereon of the City and County of San Francisco, for a period exceeding 29 days in any calendar year, whether by singular or cumulative instrument, a provision obligating the contractor, franchisee, lessee, concessionaire, or other party of said agreement not to discriminate on the grounds or because of race, color, creed, national origin, ancestry, age, sex, sexual orientation, disability or Acquired Immune Deficiency Syndrome or AIDS Related Condition (AIDS/ARC), against any person seeking accommodations, advantages, facilities, privileges, services, or membership in all business, social, or other establishments or organizations, operating from or making use of said real property, and shall require such contractor, franchisee, lessee, or concessionaire to include a similar provision in all subcontracts, subleases, or other subordinate agreements for a period exceeding 29 days in any calendar year, whether by singular or cumulative instrument, let, awarded, negotiated or entered into thereunder. (Amended by Ord. 489-86. App. 12/18/86)

SEC. 12C.2. DEFINITIONS. As used in this Chapter the term: "Age" for the purpose of membership refers to and shall include any person who has attained the age of 18 years, except for bona fide senior citizen organizations.

"Contract" shall mean and include an agreement to operate from or make use of real property of the City and County of San Francisco in the operation of a business, social, or other establishment or organization.

"Contractor" means any person or persons, firm, partnership, corporation, or combination thereof, who enters into a contract to operate from or make use of real property of City and County of San Francisco in the operation of a business, social, or other establishment or organization.

"Subcontractor" shall mean and include an agreement or contract under or subordinate to a prime contract, franchise, lease, or concession to operate from or make use of real property of the City and County of San Francisco in the operation of a business, social or other establishment or organization.

"Concession" includes a grant of land or other property by or on behalf of the City and County of San Francisco to a person for the purpose or use specified in said grant.

"Concessionaire" shall mean and include a person who is the grantee or beneficiary of a concession as herein defined.

"Franchise" shall mean and include a right or privilege conferred by grant from the City and County of San Francisco, or any contracting agency thereof, and vested in and authorizing a person to conduct such business, social, or other activity as is specified in said grant.

"Franchisee" shall mean and include a person who is the grantee or beneficiary of a franchise as herein defined.

"Instrument" shall mean and include a contract, franchise, lease, concession or other agreement to operate from or make use of real property of the City and County of San Francisco in the operation of a business, social or other establishment or organization.

"Lease" shall mean and include a contract by which the City and County of San Francisco, or any contracting agency thereof, grants to a person the temporary possession and use of property, for reward, and the latter agrees to return the same to the former at a future time.

"Lessee" shall mean and include a person or tenant taking possession of real property under a lease as herein provided.

"Sublease" shall mean and include a lease by which a lessee or tenant grants or lets to another person part or all of the leased real property for a shorter term and under which said lessee or tenant retains some right or interest under the original lease.

"Real Property" shall mean and include land in which the City and County of San Francisco holds a legal interest and improvements to said real property.

"Sex" shall mean the character of being male or female.

"Sexual orientation" shall mean the choice of human adult sexual partner according to gender.

"Disability" is a physical or mental impairment which substantially limits one or more major life activities, is regarded as having such an impairment, or has a record of such an impairment.

"Qualified Disabled Employee" shall mean a person able to perform the essential functions of a job with reasonable accommodation.

"Tenant" shall mean the person or persons, firm, partnership, corporation or combination thereof who enter into a contract, franchise, lease, concession or other agreement involving the lease, rental or other use of real property and improvements thereon of the City and County of San Francisco. (Amended by Ord. 489-86, App. 12/18/86)

SEC. 12C.3. NONDISCRIMINATION PROVISIONS OF PROPERTY CONTRACT. Every contract, franchise, lease, concession or other agreement entered into by any agency of the City and County of San Francisco, or any department thereof, involving the lease, rental, or other use of real property and improvements thereon of the City and County of San Francisco for a period exceeding 29 days in any calendar year, whether by singular or cumulative instrument, shall contain the provisions following, which shall be known as the non-discrimination provisions of such property contract.

In the performance of this contract, the tenant agrees as follows:

(a) The tenant or subtenant will not discriminate against any person seeking accommodations, advantages, facilities, privileges, services, or membership in the business, social or other establishment or organization operated by the tenant or subtenant on the real property of the City and County of San Francisco, on the ground or because of race, color, creed, national origin, ancestry, age, sex, sexual orientation, disability or AIDS/ARC. Services provided by tenant or subtenant shall be provided for regardless of disability of persons otherwise entitled to or qualified for such services.

(b) Should the tenant or subtenant operate as a membership organization, the tenant will permit access to his membership records, rules, regulations and other pertinent data, by the awarding authority, or the San Francisco Human Rights Commission, for the purpose of investigating to ascertain compliance with the nondiscrimination provisions of this contract, and on request provide evidence that the tenant has or will comply with the nondiscrimination provisions of this contract.

(c) That tenant or subtenant shall be deemed to have breached the non-discrimination provisions of this contract upon:

(1) A finding by the Director of the San Francisco Human Rights Commission or such other official who may be designated by the Human Rights Commission, that tenant has wilfully violated such nondiscrimination provisions.

(2) Upon such finding by the Director of Human Rights Commission or other official designated by the Human Rights Commission, the awarding authority shall notify tenant or subtenant that unless he demonstrates to the satisfaction of the Director of Human Rights Commission or other official designated by the Human Rights Commission within such reasonable period as the Human Rights Commission shall determine, that the violation has been corrected, action will be taken as set forth in Subparagraph (d).

(3) The Human Rights Commission shall, within ten days of the date of issuance of any findings by the Director of Human Rights Commission or other official designated by the Commission in the enforcement of this Charter, mail to any person or persons affected by said finding, a copy of said finding, together with written notice of his right to appeal. Notice of appeal must be filed in writing with the Chairman of the Commission within 20 days of the date of mailing said copy and notice.

(4) For purposes of appeal proceedings under this Section, a quorum shall consist of eight members of the Commission. The vote of the majority of the full commission shall be necessary to affirm, reverse or modify such decisions, order or other action rendered hereunder. Should a member of the Human Rights Commission be designated under Section 12B.2(c)(1) of this contract, that Commissioner may not participate in an appeal under this Section except as a witness.

(5) The presiding officer of the Commission shall have the power to administer oaths to witnesses in appeals before the Commission under this Section. In the event that any person shall fail or refuse to appear as a witness in any such proceeding after being requested to do so, and if it shall appear to the Commission that his testimony, or books, records, documents or other things under his control are material and relevant as evidence in the matter under consideration by the Commission in the proceeding, the presiding officer of the Commission may subpoena such person, requiring his presence at the proceeding and requiring him or her to bring such books, records, documents or other things under his control.

(6) All appeals to the Human Rights Commission shall be open to public inspection. Upon reaching a decision in any appeal, the Commission shall give written notice thereof to the Director of the Human Rights Commission, or other official designated by the Human Rights Commission, and the appellant or appellants. The decision of the Commission shall be final unless within 15 days of the filing and service of written notice thereof appropriate legal proceedings are filed in a court of competent jurisdiction by any party to this contract.

(7) If any tenant or subtenant under contract to the City and County of San Francisco shall fail to appear at an appeal proceeding of the Commission after having been given written notice to appear, such failure to appear shall be grounds for cancellation of the contract or subcontract and such tenant or subtenant shall be deemed to have forfeited all rights and benefits and privileges thereunder.

(8) The Human Rights Commission of San Francisco shall promulgate rules and regulations for the implementation of the nondiscrimination provisions of this contract, and such rules and regulations shall, so far as practicable, be similar to those adopted in applicable federal executive orders.

(d) A breach of the nondiscrimination provisions in the performance of this contract shall be deemed by the City and County of San Francisco to be a material breach of contract and basis for determination by the officer, board or awarding authority responsible for the awarding or letting of such contract that the tenant or subtenant is an irresponsible tenant, lessee, franchisee or concessionaire as to all future contracts for the use of real property. Such person, firm or corporation shall not, for a period of two (2) years thereafter, or until he shall establish and carry out a program in conformity with the nondiscrimination provisions of this contract, be allowed to act as a tenant or subtenant under any contract involving the lease, rental or other use of real property and improvements thereon, of the City and County of San Francisco.

(e) Nothing contained in this contract shall be construed in any manner so as to prevent the City and County of San Francisco from pursuing any other remedies that may be available at law. (Amended by Ord. 489-86, App. 12/18/86)

SEC. 12C.4. HUMAN RIGHTS COMMISSION EMPOWERED. The San Francisco Human Rights Commission, its presiding officer and its director are hereby granted the power to do all acts and exercise all powers referred to in Section 12C.3 thereof. (Amended by Ord. 84-77, App. 3/11/77)

SEC. 12C.5. FUNDING. The Board of Supervisors shall appropriate such funds from the General Fund of the City and County of San Francisco, subject to budgetary and fiscal provisions of the charter, as it may deem necessary for enforcement of this ordinance. (Amended by Ord. 84-77, App. 3/11/77)

SEC. 12C.6. SEVERABILITY. If any clause, sentence, paragraph or part of this title or the application thereof to any person or circumstances shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid, such jurisdiction shall not affect, impair or invalidate the remainder of this chapter. (Amended by Ord. 84-77, App. 3/11/77)

CHAPTER 12D

MINORITY/WOMEN/LOCAL BUSINESS ENTERPRISES

- Sec. 12D.1. Short Title.
- Sec. 12D.2. Findings.
- Sec. 12D.3. Declaration of Policy.
- Sec. 12D.4. Scope.
- Sec. 12D.5. Definitions.
- Sec. 12D.6. Powers and Duties.
- Sec. 12D.7. Utilization Goals.
- Sec. 12D.8. Utilization Requirements—General.
- Sec. 12D.9. Utilization Requirements—Public Works.
- Sec. 12D.10. Utilization Requirements—Purchasing Contracts.
- Sec. 12D.11. Utilization Requirements—Concession, Franchise and Lease.
- Sec. 12D.12. Utilization Requirements—Consultants, Professional Services and Other Contracts.
- Sec. 12D.13. Exceptions and Waivers.
- Sec. 12D.14. Monitoring, Reporting and Compliance.
- Sec. 12D.15. Review.
- Sec. 12D.16. Severability.

SEC. 12D.1. SHORT TITLE. This ordinance shall be entitled the “Minority/Women/Local Business Utilization Ordinance” and may be cited as the “MBE/WBE/LBE Ordinance.” (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.2. FINDINGS. The Human Rights Commission, having conducted public hearings pursuant to Resolution 952-82, adopted by the Board of Supervisors on December 13, 1982, to determine the extent of minority and women business participation in City and County contracts;

And the Human Rights Commission, having, in February, March and April of 1983, heard the testimony of 42 witnesses and reviewed the transcript and written submittals of 16 minority, women and small business representatives;

And this Board, having conducted additional hearings, taken additional testimony and written submittals, and reviewed the report of the Human Rights Commission (all of which shall be incorporated herein by reference), hereby makes the following findings:

1. That historic discrimination against minorities and women, often officially sanctioned and enforced by government from the inception of our Republic to the present has had a serious, negative impact on their ability to participate fully and equitably in our society; and

2. That because of centuries of limited access to the marketplace, as workers and as entrepreneurs, and because of the failure of local governmental agencies to take affirmative steps to remedy overt and subtle discrimination, women and minorities have suffered severe economic harm; and

3. That, in a city which has a minority population of nearly 50 percent, a female population of nearly 60 percent, and a civilian workforce which is 45 percent female, the public interest will best be served by our enactment of an Ordinance

mandating policies and programs which will enhance the opportunities for women-owned and minority-owned businesses to become prime contractors in the provision of goods and services to the City and County of San Francisco; and the Board further finds;

4. That local businesses which seek to enter into contracts with the City and County of San Francisco are at a competitive disadvantage with businesses from other areas because of the higher administrative costs of doing business in the City (e.g., higher taxes, higher rents, higher wages and benefits for labor, higher insurance rates, etc.); and

5. That the public interest would best be served by encouraging business to locate and remain in San Francisco through the provision of a minimal "good faith" preference to local businesses in the awarding of City contracts; and

6. That policies and programs which enhance the viability of minority-owned, women-owned, and local businesses will best serve the public interest because the growth and development of such businesses will have a significant positive impact on the economic health of the City; and

7. That the findings of the Human Rights Commission, as detailed in their report, offer clear and persuasive reasons for the Board of Supervisors to take the actions proposed by this Ordinance to correct the practices which have resulted in the virtual exclusion of minority-owned and women-owned businesses from prime contracts with the City, and in the competitive disadvantages faced by local businesses in providing goods and services to the City. These findings include:

(a) That the departments and awarding authorities of the City and County of San Francisco are functioning without specific uniform standards and criteria in the award of contracts and leases of the City and County;

(b) That the award of nonconstruction contracts is mainly at the discretion of the awarding authority staff, resulting in the award process being available to a very limited portion of the business community;

(c) That minority-owned and women-owned businesses and other small local businesses are particularly disadvantaged by the lack of uniform standards and criteria in the processes by which City contracts are awarded;

(d) That the in-depth review conducted by the Human Rights Commission of prime contracts, leases, and other agreements awarded by City and County departments reveals that Minority Business Enterprises (MBEs) and Women Business Enterprises (WBEs) combined received less than 2.8 percent of all prime contracts (exclusive of subcontracts) awarded during a base period of 1981 and 1982, which represented approximately \$25,000,000 of a total amount in excess of \$869,000,000 awarded for the years cited;

(e) That this virtual exclusion of minority-owned and women-owned businesses from City contracts has occurred notwithstanding the fact that MBEs represent in excess of 33 percent, and WBEs 25 percent, of all San Francisco based firms;

(f) That the results of the survey by the San Francisco Human Rights Commission (HRC) provide an objective standard for holding that there is de facto exclusion of minority-owned and women-owned business from the City and County prime contract award process;

(g) That this exclusion causes irreparable economic and social harm to these protected classes and adversely affects the economic health of the City and County of San Francisco;

(h) That the exclusion of minority-owned and women-owned businesses from contracting opportunities with the City will continue unless affirmative action is mandated for all City awarding authorities by the Mayor and by the Board of Supervisors;

(i) That the lack of an affirmative City policy to remedy this situation tends to give preference to majority businesses in the prime award process, to the virtual exclusion of participation by minority-owned and women-owned businesses, and thus perpetuates the effects of past discrimination;

(j) The competitive bid process, as applied to construction and suppliers, permit exceptions within the process which tend to eliminate MBEs and WBEs from an equal opportunity to compete for an equitable share of prime awards; and that this process is detrimental to the development, growth and operation of MBEs and WBEs within the City and County;

(k) The Board of Supervisors further finds that the lack of notice of bids and proposals by the limited advertisement and outreach of such business opportunities to the MBE/WBE community and to other small local businesses further compounds the problem, and contributes to the virtual exclusion of MBEs and WBEs from prime contracting with the City and County;

(l) That other conditions in the general and special bids and proposals procedures are often unrelated to actual performance (such as excessive bonding and insurance and other fee-related requirements) and have the effect of eliminating MBEs and WBEs and small local businesses from a fair chance to bid and compete for prime awards;

(m) That the aforesaid practices have operated in the past, continue to exist and create an invidious form of discrimination against minorities and women seek to operate businesses within the City and County of San Francisco; and

(n) That immediate institution of remedial and corrective action by the Board of Supervisors is necessary in order to help reduce the serious inequities and intergroup tensions that inevitably flow from the lack of clear policy in this area and that can erode trust in government and detrimentally affect the peace and harmony that must exist among the richly diverse population of the City and County of San Francisco; and

8. The Board further finds it is necessary, in complying with the intent of this Ordinance, that within 120 days of its enactment, appropriate rules, regulations and procedures be developed, adopted, and publicly promulgated by the Human Rights Commission; and that the public and affected agencies have the opportunity to provide input to and comment on the regulations prior to their formal adoption. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.3. DECLARATION OF POLICY. It is the policy of the City and County of San Francisco to ensure the full and equitable participation by Minority Business Enterprises and Women Business Enterprises, and by local businesses, as prime contractors in the provisions of goods and services to the City and County on

a contractual basis. The thrust of this program is to ensure the award of prime contracts to MBE/WBEs and local businesses and to develop their status and capability as prime contractors of the City and County of San Francisco. The ultimate goal of this ordinance is to eliminate the effects of historic discrimination which is manifested in the present low levels of MBE and WBE participation in City contracting, and to offset some of the economic disadvantages faced by local businesses.

The City will rely on the relationship between the percentages of minorities and women in the community and their respective shares of City contracts as a measure of the effectiveness of this Ordinance in remedying the effects of aforementioned discrimination. The immediate aim is to achieve annual City and County-wide goals of not less than 30 percent for Minority Business Enterprises and not less than 10 percent for Women Businesses Enterprises.

The City and County of San Francisco is utilizing a preference for local business in the award of City and County contracts in order to encourage business to locate and remain in San Francisco and thereby increase the number of employed persons living in San Francisco. The additional cost to businesses located in San Francisco has been estimated as high as 15 percent; a preference of five percent for local businesses bidding on City contracts constitutes "good faith" on the part of the City in support of businesses which contribute to the economic health of the City. The percentage is a reasonable expression of that good faith, does not unduly hamper nonlocal businesses in the contracting process, and parallels the preferences awarded in many other local jurisdictions. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.4. SCOPE. The provisions of this ordinance shall apply to all contracts awarded by the City and County and services utilized by the City and County except as may be hereinafter specifically exempted, and shall be liberally construed to accomplish its policies and purposes. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.5. DEFINITIONS. "Back Contracting" shall mean any agreement or other arrangement between a prime contractor and its subcontractor where the prime contractor performs or secures the performance of the subcontract in such a fashion and/or under such terms and conditions that the prime contractor enjoys the financial benefits of the subcontract. Said agreement or other arrangement includes, but is not limited to, situations where either a contractor or subcontractor agrees that any term, condition or obligation imposed upon the subcontractor by the subcontract shall be performed by or be the responsibility of the prime contractor.

"Bidder" shall mean any business that submits a bid or proposal to provide goods or services to the City and County.

"Concession" shall include any grant of land or other property by or on behalf of the City and County of San Francisco to a person for the purpose or use specified in said grant.

"Contract" shall mean and include any agreement to provide labor, materials, supplies or services in the performance of a contract, franchise, concession or lease granted, let or awarded for and on behalf of the City and County of San Francisco.

“Contractor” shall mean any person or persons, firm, partnership, corporation, or combination thereof, who submits a bid and/or enters into a contract with department heads and officers empowered by law to enter into contracts on the part of the City and County for public works or improvements to be performed, or for a franchise, concession or lease of property, or for goods and services or supplies to be purchased at the expense of the City and County or to be paid out of monies deposited in the treasury or out of trust monies under the control of or collected by the City and County.

“Contract Awarding Authority” shall mean the City and County officer, department, commission, employee or board authorized to enter into contracts on behalf of the City and County.

“Controlled” for the purpose of determining whether a business is a Minority Business Enterprise, or Women Business Enterprise, shall mean the minority(ies), the women or combination of minorities and women, as the context requires, shall (1) possess legal authority and power to manage business assets, good will and daily operations of the business; and (2) actively and continuously exercise such authority and power in determining the policies and directing the operations of the business.

“Director” shall mean the Director of the Human Rights Commission of San Francisco.

“Franchise” shall mean and include a right or privilege conferred by grant from the City and County of San Francisco, or any contracting agency thereof, and vested in and authorizing a person to conduct such business or engage in such activity as is specified in said grant.

“Franchisee” shall mean and include a person who is the grantee or beneficiary of a franchise as herein defined.

“Human Rights Commission” shall mean the Human Rights Commission of San Francisco, consisting of Commissioners appointed by the Mayor; hereinafter, it shall be referred to as the Commission.

“Lease” shall mean and include a contract by which the City and County of San Francisco or any contracting agency thereof, grants to a person the temporary possession and use of property for reward, and the latter agrees to return the same to the former at a future time.

“Lessee” shall mean and include a person or tenant taking possession of property under a lease as herein provided, and further includes a bailee under a bailment agreement providing a rental for personal property.

“Local Business” shall mean a business firm with fixed offices or distribution points located within the boundaries of the City and County of San Francisco and listed in the Permits and License Tax Paid File with a San Francisco business street address. The Post Office box numbers or residential addresses may not be used solely to establish status as a “Local Business.”

“Lower tier subcontracting” shall mean any agreement or other arrangement between a subcontractor and a person as defined herein where it is agreed that said person shall perform any term, condition or obligation imposed by the subcontract upon the subcontractor.

"Minority," "Minorities," or "Minority person" shall mean ethnic persons of color including American Indians, Asians (including, but not limited to, Chinese, Japanese, Koreans, Pacific Islanders, Samoans, and Southeast Asians), Blacks, Filipinos and Hispanics.

"Minority Business Enterprise (MBE)" shall mean an independent and continuing business for profit, which performs a commercially useful function, and which is owned and controlled by one or more minority persons residing in the United States or its territories.

"Owned," for purposes of determining whether a business is a minority business enterprise or women business enterprise, shall mean that the minorities or women as the context requires, shall possess an ownership interest of over fifty percent of the business, and shall:

1. Possess incidents of ownership, such as an interest in profit and loss, equal to at least the required ownership interest percentage; and

2. Contribute capital, equipment and expertise to the business equal to at least the required ownership percentage.

Ownership shall be measured as though not subject to the community property interest of a spouse, if both spouses certify that (a) only one spouse participates in the management of the business, and (b) the nonparticipating spouse relinquishes control over his/her community property interest in the subject business.

"Person" includes one or more individuals, partnerships, associations, organizations, trade or professional associations, corporations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, or any group of persons, including any official, agent or employee of the City and County of San Francisco.

"Subcontractor" shall mean any business providing goods or services to a contractor for profit, if such goods or services are procured or used in fulfillment of the contractor's obligations arising from a contract with the City and County of San Francisco.

"Women Business Enterprise (WBE)" shall mean an independent and continuing business for profit which performs a commercially useful function and which is owned and controlled by one or more women residing in the United States or its territories. (Amended by Ord. 402-85, App. 8/29/85)

SEC. 12D.6. POWERS AND DUTIES. (A) In addition to the duties and powers given to the Human Rights Commission elsewhere, the Commission is empowered to:

1. Establish appropriate goals for minority and women business enterprise utilization by City agencies, departments and other City awarding authorities;

2. Limit the applicability of the ordinance to MBEs and WBEs which require assistance in developing their status and capability as prime contractors;

3. Review and periodically report to the Mayor, the Board of Supervisors and the Chief Administrative Officer and the public the progress of departments and awarding authorities toward achievement of their goals for the utilization of minority and women business enterprises;

4. Levy sanctions as specified in Sections 12D.8(B)(10);

5. Subpoena persons and records, books and documents for a proceeding of the Commission conducted to further the purposes of this Ordinance; and

6. Adopt rules and regulations, consistent with this ordinance and the Administrative Code of the City and County of San Francisco (Chapter 12D), establishing standards and procedures for effectively carrying out this ordinance.

(B) In addition to the duties and powers given to the Director elsewhere, the Director shall:

1. Recommend appropriate goals to the Commission;
2. Through appropriately promulgated procedures, certify businesses as bona fide MBEs/WBEs/LBEs;
3. Provide information and other assistance to MBEs and WBEs to increase their ability to compete effectively for the award of City and County contracts;
4. Assist the City and County and community agencies to increase participation by MBEs and WBEs in City and County contracts;
5. Develop education and training programs for MBEs and WBEs and City and County contract awarding personnel;
6. Review quarterly Management-By-Objectives data of departments to ascertain the degree of achievement of their goals.

(C) The requirements of this ordinance are in addition to and separate from those imposed by the United States or the State of California as a condition of financial assistance or otherwise; however, the Director with the concurrence of the Commission may authorize the substitution of such State or Federal Minority Business Enterprise and Women Business Enterprise requirements for the requirements of this ordinance whenever such State or Federal requirements are substantially the same as those of this ordinance.

(D) The Director, with the approval of the Commission, may enter into cooperative agreements with agencies, public and private, concerned with increasing the utilization of MBEs and WBEs in government contracting, subject to the approval of the Board of Supervisors of the City and County of San Francisco. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.7. UTILIZATION GOALS. (A) The Commission shall establish City and County-wide annual goals, consistent with Section 12D.3. These goals shall be expressed in terms of a percentage of the total dollar value of all prime contracts to be awarded by the City and County. With the concurrence of the Commission, the Director may establish such goals separately for categories of contracts, such as public works construction, architects and engineers, leases, franchises and concessions, professional services and purchasing contracts. Goals shall be reasonably achievable, and shall be based upon, but are not limited to, the following factors:

1. The degree to which such annual goals will contribute to the achievement of the ultimate goal of eliminating the effects of historic discrimination and increasing the participation of MBEs and WBEs in City contracts as set forth in Section 12D.3 of this ordinance (Declaration of Policy).

2. The level of participation of MBEs and WBEs in contracts awarded by other governmental agencies in the San Francisco Bay Area which have utilized MBE and WBE requirements;

3. The availability of MBEs and WBEs which are capable of providing goods and services to the City and County while actively encouraging the development of Minority and Women Business Enterprises;

(B) The Director, with the advice of each contract awarding authority, shall recommend to the Commission the establishment of separate annual goals for utilization of MBEs and WBEs by that awarding authority. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.8. UTILIZATION REQUIREMENTS — GENERAL. (A)

The City and County of San Francisco shall have the authority to:

1. Take action, within the limitations of State and Federal law, to assist MBEs and WBEs to meet bonding, insurance and other fee-related requirements; such action could include the creation of a special revolving fund;

2. Establish a central office where all bids, requests for proposals and solicitations will be listed and kept current;

3. Provide technical assistance to MBEs and WBEs to increase their ability to compete effectively for the award of City and County contracts.

(B) Contract awarding authorities shall:

1. Solicit and obtain bids and proposals from MBEs and WBEs on all solicitations, or document their unavailability;

2. Set aside 10 percent of the total dollar value of all contracts to be awarded by each contract awarding agency for MBEs and set aside two percent for WBEs for the fiscal year with the provision that a joint venture can be credited to the extent of Minority or Women Business Enterprise participation in the joint venture;

3. Extend a five percent preference for a local business (except where prohibited by State or Federal law or regulation) and a five percent preference for a minority or women bidder or proposer in the award of all bids and contracts and in the composition of rating scales; however, local minority or women bidders shall receive a 10 percent preference;

4. Arrange contracting by size and type of work to be performed so as most effectively to enhance the opportunity for participation by MBEs and WBEs to the maximum extent feasible;

5. Except as prohibited by State or Federal law or regulation, adjust bid bonding requirements for and/or make loans, subject to the availability of appropriate funds, to MBEs and WBEs when advisable, appropriate and necessary to achieve the declared policy of this ordinance;

6. Utilize a revolving fund as may be established by the City to assist MBEs and WBEs to meet bonding, insurance and other fee-related requirements;

7. Submit to a central office current bids, request for proposals and solicitations with sufficient lead time to provide adequate notice and opportunity to MBEs and WBEs to participate;

8. Limit competition for negotiated contracts to MBEs and WBEs or a combination of both, when a contract awarding authority is determined by the Commission not to have achieved its utilization goals, unless waiver has been granted by the Commission;

9. Impose such sanctions or take such other actions as are designed to ensure compliance with the provisions of this ordinance, which shall include, but are not limited to:

- (a) Refusal to certify the award of a contract;
- (b) Order the suspension of a contract;
- (c) Order the withholding of funds;
- (d) Order the revision of a contract based upon a material breach of contract provisions pertaining to MBE and WBE utilization;
- (e) Disqualification of a bidder, contractor, subcontractor, or other business from eligibility for providing goods or services to the City and County for a period not to exceed five years, with a right to review and reconsideration by the HRC after two years upon a showing of corrective action indicating violations are not likely to reoccur; and

10. Not award any contract to a person or business which is disqualified from doing business with the City and County under the provisions of this ordinance, nor shall any contract be awarded to any person or business which is disqualified from doing business with any governmental agency based on failure to comply with Minority or Women Business Enterprise or contract compliance requirements which are substantially the same as those of this ordinance.

11. Each department of the City and County of San Francisco shall designate a staff person to be responsible for responding to the HRC and to the requirements of this ordinance.

(C) All contracts awarded by the City and County shall include the following requirements, in addition to such other requirements as may be set forth elsewhere:

1. Bid conditions, requests for proposals and all other specifications for contracts awarded by the City and County shall require, where subcontracting is utilized in performing the contract, that the bidder or proposer, prior to the submission of bids or proposals, demonstrate every good faith effort to subcontract or to purchase from MBEs and WBEs. Such specifications shall require the bidder to keep records of such efforts adequate to permit a determination of compliance with the specifications;

2. Bidders, contractors, and subcontractors on all contracts shall be required to sign before a notary an affidavit prepared by the City Attorney, declaring their intention fully to comply with the provisions of this ordinance;

3. Contracts shall incorporate this ordinance by reference and shall provide that the failure of any bidder, contractor or subcontractor to comply with any of its requirements shall be deemed a material breach of contract;

4. Contracts shall provide that in the event any bidder, contractor or subcontractor fails to comply in good faith with any of the provisions of this ordinance the bidder, contractor or subcontractor shall be liable for liquidated damages for each violation in an amount equal to the bidder's, contractor's or subcontractor's net profit on the contract, or 10 percent of the total amount of the contract or \$1,000 whichever is greatest, said amount to be determined by the Director of HRC pursuant to Section 12D.14(A)2. All contracts shall also contain a provision whereby the bidder, contractor or subcontractor acknowledges and agrees that the liquidated damages assessed shall be payable to the City and County upon demand and may be set off against any monies due to the bidder, contractor or subcontractor from any contract with the City and County of San Francisco;

5. Contracts shall require the contractor during the term of the contract to:

- (a) Fulfill the MBE and WBE participation commitments submitted with their bid or proposal;

(b) Continue to make efforts to utilize MBEs and WBEs;

(c) Require that their subcontractors make every effort to utilize MBEs and WBEs; and,

(d) Maintain records reasonably necessary for monitoring their compliance with the provisions of this ordinance.

6. Whenever contract supplements, amendments or change orders are made which cumulatively increase the total dollar value of the contract by more than 10 percent of the dollar value of the original contract, the contractor shall comply with those provisions of this ordinance which applied to the original contract with respect to the supplement, amendment or change order.

7. All contracts where subcontracting is utilized shall prohibit back contracting to the prime contractor or lower tier subcontracting for any purpose inconsistent with the provisions of this ordinance, rules and regulations adopted pursuant to this ordinance, or contract provisions pertaining to MBE or WBE utilization. If the Director of the HRC has reasons to believe that any bidder, contractor, or subcontractor has failed to comply, in good faith, with the provisions of this subsection, Section 12D.8(C)7, the Director shall be empowered to conduct an investigation and to impose sanctions as set forth in Section 12D.14(A)2 of this ordinance.

(D) All contracts or other agreements between the City and County of San Francisco and other governmental or quasi-governmental agencies, or public corporations, where such agencies receive money from or through the City and County for the purpose of contracting with businesses to perform public improvements, shall require such agencies to comply with the provisions of this ordinance in awarding and administering such contracts.

(E) For the purpose of determining Minority and Women Business Enterprise participation:

Contracts or subcontracts awarded to joint ventures in which one or more MBEs or WBEs are combined with one or more businesses which are not Minority Women Business Enterprises shall be deemed to be awarded to Minority or Women Business Enterprises only to the extent of the Minority or Women Business Enterprises participation in the joint venture. (Amended by Ord. 402-85, App. 8/29/85)

SEC. 12D.9. UTILIZATION REQUIREMENTS — PUBLIC WORKS.

(A) For all public works contracts for construction and for architectural and engineering services, the contract awarding authority shall furnish the Director with an informational copy of all bid conditions and requests for proposals, along with a statement identifying all funds provided by any other governmental agency which will be used in payment of the contract. Prior to solicitation of bids or proposals, the Director may make recommendations to the contract awarding authority with respect to provisions pertaining to MBE and WBE utilization.

(B) Contracts for construction, the estimated cost of which exceeds \$15,000, and contracts for architects and engineers, the estimated cost of which is \$30,000 or greater, shall be awarded and administered in accordance with the following standards and procedures:

1. In addition to the requirements set forth in Section 12D.8(B) and elsewhere, bid conditions and requests for proposals shall require bidders and proposers on prime contracts to include in their bid or proposal both MBE and WBE

participation as subcontractors in the contract in a percentage which equals or exceeds the awarding authority's annual goals for prime contracts. Except as provided in Section 12D.9(B)(2), bids or proposals not including both MBE and WBE participation in an amount which equals or exceeds that required by the bid conditions or request for proposals shall be declared nonresponsive.

(a) Bids and proposals shall identify the particular MBEs and WBEs to be utilized in performing the contract, specifying for each the dollar value of the participation, the type of work to be performed and such information as may reasonably be required to determine the responsiveness of the bid or proposal.

(b) During the term of the contract any failure to comply with the levels of MBE and WBE participation identified in the bid or proposal shall be deemed a material breach of contract.

2. A contract awarding authority or a department may request the Director to waive the requirements of this subsection, or to reduce for the subject contract by the amount of the goals, for either or both MBEs and WBEs, by submitting the reasons therefor in writing to the Director prior to solicitation of bids or proposals.

(a) The Director may grant a waiver or reduction upon determination that:

(i) The reasonable and necessary requirements of the contract render subcontracting or other participation of business other than the bidder or proposer unfeasible; or

(ii) Sufficient qualified Minority and Women Business Enterprises capable of providing the goods or services required by the contract are unavailable in the market area of the project, despite every feasible attempt to locate appropriate Minority and Women Business Enterprises.

(b) Only the requirements of Section 12D.9(B)(1) are waived by a waiver under this paragraph.

(c) Whenever the Director denies a request to waive or reduce a goal, the contract awarding authority may appeal that denial to the Human Rights Commission, whose decision on the request shall be final.

3. All contracts in excess of \$15,000 for construction and/or in an amount \$30,000 or greater for architects and engineers shall contain the following clause:

Contractor agrees that he/she shall actively solicit the employment of minority group members and women. Contractor further agrees that he/she shall actively solicit bids for the subcontracting of goods or services from qualified minority and women businesses. Contractor shall furnish evidence of compliance with these requirements of minority and women employment and solicitation. Contractor further agrees to consider the grant of subcontracts to said minority and women bidders on the basis of substantially equal proposals in the light most favorable to said minority and women businesses. The contractor shall be required to submit evidence of compliance with this Section as part of the bid.

(C) All architect and engineer selection panels and awarding officers shall give appropriate consideration to the utilization goals of the contract awarding authority in evaluating, recommending and selecting contractors. The Director may assist and direct such panels and the department staff in evaluating the impact of their recommendation or selection on achievement of the contract awarding authority's utilization goals. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.10. UTILIZATION REQUIREMENTS — PURCHASING CONTRACTS. All contracts awarded by the City Purchaser for the purchase of materials, equipment or supplies covered by purchase orders and term purchase agreements shall be awarded and administered in accordance with the following standards and procedures:

(A) The City Purchaser shall solicit and obtain bids and quotations from MBEs and WBEs certified by the Commission to supply the required materials, equipment, supplies or services.

(B) For purchases upon quotations of \$5,000 or less, the Purchasing Department shall grant preference to MBEs and WBEs pursuant to the City Purchaser's authority under Section 21.5 of the Administrative Code to accept other than the lowest quotations if the City Purchaser believes that the public interest would best be served.

(C) For expenditures for the purchase of materials, supplies, equipment or contractual services, estimated by the City Purchaser to exceed \$5,000, the City Purchaser shall grant preference to MBEs or WBEs even when the bid is other than the lowest gross price or unit cost in accordance with Section 12D.8.B(3) of this ordinance and pursuant to the City Purchaser's authority under Section 21.6 of the Administrative Code.

(D) The City Purchaser shall maintain, with the assistance of the Director, a current list of Minority and Women Business Enterprises certified by the Commission to provide each of those commodities which the City Purchaser indicates are required by the City and County. The City Purchaser shall notify the Director prior to solicitation of bids or quotations whenever no such certified businesses are available, unless the Director waives such notification based on the known unavailability of such qualified businesses to perform a particular contract. The Director shall attempt to identify qualified businesses, and if successful, shall notify the City Purchaser of their availability; the Purchaser shall provide MBEs and WBEs every practical opportunity to submit bids or quotations. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.11. UTILIZATION REQUIREMENTS — CONCESSION, FRANCHISE AND LEASE. For all leases in which the City is the lessor, all contracts for concessions or franchises shall be awarded and administered in accordance with the following standards and procedures:

(A) City departments shall solicit proposals from MBEs and WBEs qualified to enter into leases or concession contracts. Whenever a department, after investigation, determines that no such qualified enterprises are available, the Director shall be so notified prior to the signing of the lease or award of the concession contract, unless the Director waives such notification based on the known unavailability of such qualified businesses to perform a particular contract. The Director may attempt to identify such qualified businesses, and if successful, shall notify the contract awarding authority of their availability. The contract awarding authority shall provide such MBEs and WBEs an opportunity to submit bids or proposals.

(B) All requests for concession or lease proposals shall require concessionaires or lessees to make every good faith effort to utilize MBEs and WBEs as subconcessionaires or sublessees if subconcessionaires or sublessees are used.

Concession proposers shall be required to submit their projected utilization of MBEs and WBEs along with a description of the efforts made to utilize such businesses.

(C) All requests for or extensions of or amendments to franchises shall require franchisees to make every good faith effort to utilize MBEs and WBEs as suppliers. Franchisees shall be required to submit their projected utilization of Minority and Women Business Enterprises.

(D) The following clause shall be contained in all concessions, franchises, and leases:

Contractor agrees that he/she shall actively solicit the employment of minority group members and women. Contractor further agrees that he/she shall actively solicit bids for the subcontracting of goods or services from qualified minority and women businesses. Contractor shall furnish evidence of compliance with these requirements of minority and women employment and solicitation. Contractor further agrees to consider the grant of subcontracts to said minority and women bidders on the basis of substantially equal proposals in the light most favorable to said minority and women businesses. The contractor shall be required to submit evidence of compliance with this Section as part of the bid.

(Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.12. UTILIZATION REQUIREMENTS — CONSULTANTS, PROFESSIONAL SERVICES AND OTHER CONTRACTS. (A) For all contracts for consultants or other services, the contract awarding authority shall furnish the Director with an informational copy of all bid conditions and requests for proposals, if any, along with a statement identifying all funds provided by any other governmental agency which will be used in payment of the contract. Prior to solicitation of bids or proposals, the Director may make recommendations to the contract awarding authority with respect to provisions pertaining to MBE and WBE utilization.

(B) Contracts for consultant or other services, the estimated cost of which exceeds \$10,000, shall be awarded and administered in accordance with the following standards and procedures:

1. The contract awarding agency shall solicit bids or proposals from MBEs and WBEs certified to provide the specified services. MBEs and WBEs shall be provided every practical opportunity to submit bids or proposals;

2. Bids and proposals shall identify the particular MBEs and WBEs to be utilized in performing the contract, specifying for each the dollar value of the participation, the type of work to be performed and such information as may reasonably be required to determine the responsiveness of the bid or proposal;

3. During the term of the contract any failure to comply with the levels of MBE and WBE participation identified in the bid or proposal shall be deemed a material breach of contract.

(C) All consultant selection panels and awarding officers shall give appropriate consideration to the utilization goals of the contract awarding authority in evaluating, recommending and selecting contractors. The Director may assist such panels and the department staff in evaluating the impact of their recommendation or selection on achievement of the contract awarding authority's utilization goals.

(D) All City and County departments, commissions, boards, officers and employees, in the deposit of City and County funds and performance of their other official duties, shall make every good faith effort to equitably utilize the services of Minority Business Enterprises and Women Business Enterprises. Such services shall include, but are not limited to, the financial services of banks, savings and loan companies and other commercial financial institutions, arrangement of travel and accommodations when traveling on official City and County business, and legal services to City and County departments. Commissions and boards shall submit to the Director on an annual basis a written report on the efforts made pursuant to this subsection.

(E) The City Treasurer, the Controller, and the Retirement Board shall report annually to the Director, with copies to the Mayor or the Chief Administrative Officer, their utilization of institutions which are MBEs and WBEs. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.13. EXCEPTIONS AND WAIVERS. (A) The Director may waive the utilization requirements of this ordinance for specific contracts under the following circumstances:

1. Whenever the Director finds, with the advice of the contract awarding authority, that needed goods or services are available only from a sole source, and the prospective contractor is not currently disqualified from doing business with the City and County under provisions of Section 12D.8(B)(10) of this ordinance, or from doing business with any governmental agency based on a failure to comply with Minority or Women Business Enterprise or contract compliance requirements;

2. If the contract awarding authority certifies in writing to the Director that the contract is necessary to respond to an emergency which endangers the public health or safety; provided, that such certificates shall be made prior to the contract award.

(B) The Mayor, using the definition of emergency specified in the Charter, may waive the requirements of this ordinance for the duration of that emergency. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.14. MONITORING, REPORTING AND COMPLIANCE. (A) The Commission is empowered to adopt rules and regulations necessary and appropriate to implement this ordinance. The Director shall monitor compliance with these requirements during the term of the contract.

1. **Noncompliance.** If the Director determines that there is cause to believe that a contractor or subcontractor has failed to comply with any of the requirements of this ordinance, rules and regulations adopted pursuant to this ordinance, or contract provisions pertaining to MBE or WBE utilization, the Director shall notify the contract awarding authority and shall attempt to resolve the noncompliance through conciliation. If the noncompliance cannot be resolved, the Director shall submit to the Human Rights Commission and the contractor a written Finding of Noncompliance. The Human Rights Commission shall give the contractor an opportunity to appeal the Finding, and if the Commission concurs with the finding of the Director, it shall impose such sanctions or take such other action as will effectuate the purposes of this ordinance.

2. Willful or Bad Faith Noncompliance. If the Director has reason to believe that any bidder, contractor or subcontractor has failed to comply in good faith with any of the provisions of this ordinance, rules and regulations adopted pursuant to this ordinance, or contract provisions pertaining to MBE or WBE utilization, the Director shall be empowered to conduct an investigation and to impose sanctions for each violation of this subsection. Such sanctions shall include but are not limited to:

(a) Declare the bidder, contractor or subcontractor nonresponsive and ineligible to receive the award;

(b) Declare the bidder, contractor or subcontractor an irresponsible bidder and disqualify the bidder, contractor or subcontractor from eligibility for providing goods or services to the City and County for a period of five years, with a right of review and reconsideration by the HRC after two years upon a showing of corrective action indicating violations are not likely to reoccur;

(c) Determine that the bidder, contractor or subcontractor has failed in good faith to comply with the provisions of this ordinance pursuant to the provision in the contract contemplated by Section 12D.8(C)4 of the ordinance, calculate the liquidated damages for which the bidder, contractor or subcontractor shall be liable.

Thereafter the Director shall send a written notice to the Controller, the Mayor and to all contract awarding authorities or City and County department officials overseeing any contract with the bidder, contractor or subcontractor that a determination of a bad faith compliance has been made and that all payments due the bidder, contractor or subcontractor shall be withheld as agreed to by the bidder, contractor or subcontractor and the City and County pursuant to Section 12D.8(C)4.

In addition, the Director shall transmit to the Bureau of Delinquent Revenues a report of the determination of liability and ask the Bureau of Delinquent Revenues to coordinate efforts with the Controller and other applicable City departments to ensure that the liquidated damages are paid to the City.

The bidder, contractor or subcontractor may appeal the Director's decision to the Human Rights Commission, who may sustain, reverse or modify the Director's findings and sanctions imposed or take such other action as will effectuate the purposes of this ordinance.

(B) The Commission shall submit an annual report to the Mayor, the Chief Administrative Officer and the Board of Supervisors on the progress of the City and County toward the utilization goals established by Section 12D.7 of this ordinance, together with an identification of problems and specific recommendations for improving the City and County's performance.

(C) The Director may require such reports, information and documentation from contractors, bidders, contract awarding authorities and the head of any department, division, or office of the City and County, as are reasonably necessary to determine compliance with the requirements.

(D) In addition to the requirements set forth in Section 12D.14(C), awarding authorities shall maintain accurate records for each contract awarded, its dollar value, the nature of the goods or services to be provided, the name of the contractor awarded the contract, the efforts made by said contractor to solicit bids from and

award the contract to MBEs and WBEs and all subcontracts awarded by the contractor, identifying for each its dollar value, the nature of the goods or services provided, and the name of the subcontractor.

(E) Each contract awarding authority is to include in its departmental Management-by-Objectives, objective measures with a quarterly target for the total dollar amount awarded to MBEs and WBEs.

(F) Contractors and consultants must negotiate an affirmative action agreement with the Director which shall set the requirements of the Human Rights Commission in conformance with Chapter 12B of the Administrative Code.

(G) Whenever the Director finds after investigation that the contract awarding authority has failed to comply with the provisions of this ordinance, a written Finding of Noncompliance within a specified time period specifying the nature of the noncompliance shall be transmitted to the contract awarding authority, to the Commission and to Mayor; and

The Director shall attempt to resolve any noncompliance through conference and conciliation. Should such attempt fail to resolve the noncompliance, the Director shall transmit a copy of the Finding of Noncompliance along with a finding that conciliation was attempted and failed to the Commission which shall notify the contract awarding agency to take appropriate action to secure compliance.

(H) When the contract awarding official has been determined to be culpable in the Finding of Noncompliance, that factor shall be communicated to the Mayor or the Chief Administrative Officer.

(I) If the Director has reason to believe that any person has knowingly made, filed, or caused to be made or filed with the City any materially false or misleading statement or report made in connection with this ordinance, the Director shall report that information to the City Attorney for appropriate action under the San Francisco Municipal Code. The Director shall be empowered to conduct an investigation and for each violation of this Subsection, 12D.14(I), to impose sanctions as set forth in Section 12D.14(A)2. (Amended by Ord. 513-84, App. 12/21/84)

SEC. 12D.15. REVIEW. (A) The Commission shall review and report to the Board of Supervisors, the Chief Administrative Officer and the Mayor annually on the extent of MBE and WBE participation in City and County prime contracts and procurements, including but not limited to: The purchasing of materials, supplies, equipment, insurance and contractual services, contracts, franchises, leases, concessions or other agreements involving the repair or construction of public works and improvements. If in the opinion of the Commission, the objectives of this ordinance have been achieved in whole or in part, the Commission shall recommend to the Board of Supervisors that those sections of the ordinance which have met their objectives be repealed.

This ordinance shall expire five years from its effective date unless the Human Rights Commission, after conducting hearings, finds that the purposes identified in Section 12D.3 have not yet been achieved, in which case it shall certify said finding to the Board of Supervisors no later than 200 days prior to the effective expiration dates. Thereafter by following the above described procedure the ordinance may be extended for additional three year periods. (Added by Ord. 139-84, App. 4/11/84)

SEC. 12D.16. SEVERABILITY. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstances shall not affect the validity of the remainder of this ordinance, or the validity of its application to other persons or circumstances. (Added by Ord. 139-84, App. 4/11/84)



CHAPTER 12E**CITY EMPLOYEE'S SEXUAL PRIVACY ORDINANCE**

- Sec. 12E.1. Short Title.
Sec. 12E.2. Findings.
Sec. 12E.3. Prohibited Practices.
Sec. 12E.4. Exceptions to Prohibited Practices.

SEC. 12E.1. SHORT TITLE. This ordinance shall be known and may be cited as the City Employee's Sexual Privacy Ordinance and may be cited as the Sexual Privacy Ordinance. (Added by Ord. 14-85, App. 1/11/85)

SEC. 12E.2. FINDINGS. Consistent with the City's policies as set forth in Article 33 of the San Francisco Police Code proscribing discrimination in employment on the basis of sexual orientation, with San Francisco Charter Section 8.310, which requires that all employees be selected solely upon the basis of merit and fitness, and with California Constitution Article I, Section 1, which protects the inalienable right to privacy, the Board of Supervisors finds that the City and County of San Francisco, as an employer, has no reason to inquire into the sexual practices or habits of City employees or job applicants. (Added by Ord. 14-85, App. 1/11/85)

SEC. 12E.3. PROHIBITED PRACTICES. Except as provided in Section 12E.4 of this ordinance, no officer, board, agency, commission or employee of the City and County of San Francisco may inquire into the sexual orientation, practices or habits of any City employee or job applicant. (Added by Ord. 14-85, App. 1/11/85)

SEC. 12E.4. EXCEPTIONS TO PROHIBITED PRACTICES. No officer, board, agency, commission or employee of the City and County of San Francisco may inquire into the sexual practices or habits of any City employee or job applicant unless (a) the Civil Service Commission first approves the questions, inquiries or screening procedures and specifically finds that there is a direct relationship between the questions, inquiries or screening procedures and the fitness of the City employee or job applicant for the position; or (b) the practices or habits inquired about are criminal under the laws of California; or (c) the practices or habits inquired about are relevant to an investigation being conducted by a local, State or Federal agency pursuant to a complaint of sexual harassment of a City employee or job applicant; or (d) the practices or habits inquired about are relevant to an investigation of misconduct being conducted by a department head. (Added by Ord. 14-85, App. 1/11/85)

CHAPTER 13

JAILS AND PRISONERS

ARTICLE I IN GENERAL

- Sec. 13.1. Federal Prisoners in County Jail—Sheriff to Receive and Keep.
- Sec. 13.2. Federal Prisoners in County Jail—Contract with Federal Authorities for Custody and Maintenance.
- Sec. 13.3. Federal Prisoners in County Jail—Reports and Fiscal Duties of Sheriff.
- Sec. 13.4. Labor by Inmates of County Jail on Public Works—Authorized.
- Sec. 13.5. Labor by Inmates of County Jail on Public Works—Rules and Regulations.
- Sec. 13.6. Labor by Inmates of County Jail on Public Works—Deduction from Sentence for Obedience to Rules.

ARTICLE II SHERIFF'S STORES IN COUNTY JAILS

- Sec. 13.8. Establishment Authorized; Purchase and Sale of Goods Authorized.
- Sec. 13.9. Procedure for Purchasing Supplies.
- Sec. 13.10. Basis of Charges; Disposition of Moneys.
- Sec. 13.11. Scrip Authorized; Use of Scrip Regulated.
- Sec. 13.12. Keeping of Accounts.
- Sec. 13.13. Rules for Conduct and Maintenance.
- Sec. 13.14. Sheriff's Stores Revolving Fund.

ARTICLE III RETURN OF PERSONS CHARGED WITH CRIMES FROM WITHIN STATE

- Sec. 13.15. Return Authorized by Sheriff or Chief of Police.
- Sec. 13.16. Complainant to Advise of Location of Defendant and Deposit Cost of Return.
- Sec. 13.17. Return of Deposits.
- Sec. 13.18. Article Not Obligatory on Sheriff and Chief of Police.
- Sec. 13.19. Duty of District Attorney upon Return of Defendant.
- Sec. 13.20. Article Deemed Supplemental to State Law.
- Sec. 13.21. Limitations upon Refunds.
- Sec. 13.22. "Cost of Returning" Defined.
- Sec. 13.23. Fund to Carry Out Provisions of Article—Created.

- Sec. 13.24. Fund to Carry Out Provisions of Article—Replacement of Disbursements.

ARTICLE IV LAW ENFORCEMENT

- Sec. 13.50. Telpak Circuit System; Stolen Vehicles.
Sec. 13.51. Alameda County Police Information Network System.

ARTICLE V WORK FURLOUGH OF COUNTY JAIL PRISONERS

- Sec. 13.60. Work Furlough Program; Findings.
Sec. 13.61. Work Furlough Administrator.
Sec. 13.62. Work Furlough Administrator—Agreements.

ARTICLE VI ADVISORY COMMITTEE ON ADULT DETENTION

- Sec. 13.70. Authority of Board of Supervisors.
Sec. 13.71. Members.
Sec. 13.72. Term of Office.
Sec. 13.73. Compensation.
Sec. 13.74. Annual Report.
Sec. 13.75. Annual Inspection of Adult Detention Facilities.

ARTICLE I

IN GENERAL

SEC. 13.1. FEDERAL PRISONERS IN COUNTY JAIL — SHERIFF TO RECEIVE AND KEEP. The Sheriff must receive and keep in the County Jail any prisoner committed thereto by process or order issued under the authority of the United States, until he or she is discharged according to law, as if he or she had been committed under process issued under the authority of this State, provision being made by the United States for the support of such prisoner. (Ord. No. 2599 (1939), Sec. 1)

SEC. 13.2. FEDERAL PRISONERS IN COUNTY JAIL — CONTRACT WITH FEDERAL AUTHORITIES FOR CUSTODY AND MAINTENANCE. The Sheriff is authorized and directed to enter into contract with the proper federal authorities for the payment to the City and County for the custody and maintenance of prisoners in the County Jail as provided by the preceding section at a rate of not less than 80¢ per prisoner per day. (Ord. No. 2599 (1939), Sec. 2)

SEC. 13.3. FEDERAL PRISONERS IN COUNTY JAIL — REPORTS AND FISCAL DUTIES OF SHERIFF. The Sheriff shall maintain adequate records of prisoners imprisoned as provided by the two preceding sections, shall prepare claims and obtain reimbursements under the terms of the contract provided for by the preceding section and deposit the moneys derived therefrom to the credit of the General Fund. (Ord. No. 2599 (1939), Sec. 3)

SEC. 13.4. LABOR BY INMATES OF COUNTY JAIL ON PUBLIC WORKS — AUTHORIZED. Pursuant to the provisions of the Penal Code of the state, the Sheriff is hereby authorized to require persons confined in the County Jail under a final judgment of imprisonment rendered in a criminal action or proceeding to perform labor on the public works or ways in the City and County. (Ord. No. 7572 (1939), Sec. 1)

SEC. 13.5. LABOR BY INMATES OF COUNTY JAIL ON PUBLIC WORKS — RULES AND REGULATIONS. Rules and regulations under which prison labor as provided by the preceding section is to be performed shall be promulgated by the Sheriff, subject to prior approval thereof by resolution of the Board of Supervisors. The Sheriff is hereby authorized and directed to enforce such rules and regulations. (Ord. No. 7572 (1939), Sec. 2)

SEC. 13.6. LABOR BY INMATES OF COUNTY JAIL ON PUBLIC WORKS — DEDUCTION FROM SENTENCE FOR OBEDIENCE TO RULES. For each month in which the prisoner appears, by the record, to have given a cheerful and willing obedience to the rules and regulations promulgated as provided by the preceding section, and that the prisoner's conduct is found by the Sheriff to be positively good, five days shall be deducted from the prisoner's term of sentence, except in actions involving defendants whose jurisdiction is retained by the committing magistrate. (Ord. No. 7572 (1939), Sec. 3)

ARTICLE II

SHERIFF'S STORES IN COUNTY JAILS

SEC. 13.8. ESTABLISHMENT AUTHORIZED; PURCHASE AND SALE OF GOODS AUTHORIZED. Pursuant to the authority of Section 4025 of the Penal Code of California, the Sheriff is hereby authorized to establish, maintain and operate a store in each of the County Jails maintained by the City and County, and for such purpose to purchase food, confectionery, tobacco users' supplies, postage, writing materials and toilet articles and supplies out of such funds as may be set aside for such purposes; and to sell such goods, articles and supplies to the prisoners confined in the jail. (Bill No. 872, Ord. No. 7.061 (C.S.), Sec. 1)

SEC. 13.9. PROCEDURE FOR PURCHASING SUPPLIES. The purchase of all goods, wares and merchandise for the stores authorized by the preceding

section shall be made through the Purchaser of Supplies and in accordance with the purchasing procedure provided by the Charter and by Sections 21. 1 to 21.41 of this Code. (Bill No. 872, Ord. No. 7.061 (C.S.), Sec. 2)

SEC. 13.10. BASIS OF CHARGES; DISPOSITION OF MONEYS. All articles, goods and merchandise maintained in Sheriff's stores shall be sold to prisoners at cost plus a reasonable handling charge and the proceeds of all sales made in such stores shall be deposited in the treasury of the City and County. The Controller shall, monthly, adjust the money so deposited in the following manner:

(a) That portion of the sales price which represents the cost of the commodity shall be credited to the Sheriff's Stores Reserve Fund.

(b) That portion of the sales price which represents the handling charge, not to exceed one percent of the total of the gross sales, shall be credited to the General Fund. Direct charges shall be credited to the Jail Stores Trust Fund.

(c) The balance of the moneys shall be deposited in the Prisoners' Welfare Fund and expended as provided under Section 4025 of the Penal Code of the State. (Ord. No. 9041 (1939), Sec. 1)

SEC. 13.11. SCRIP AUTHORIZED; USE OF SCRIP REGULATED. All of the sales at Sheriff's stores shall be for cash; provided, however, that for the convenient handling of cash belonging to the prisoners, the Sheriff is hereby authorized to issue scrip representing cash, in such denominations as the Sheriff shall determine and to sell the same to prisoners at the face value thereof. The scrip shall be redeemable in merchandise at the stores for the face value thereof.

It shall be unlawful for any prisoner to whom scrip is issued, sold or delivered to give or transfer or assign the same to any other prisoner, or to permit the same to be used by any other prisoner, and the giving or transferring of any such scrip by any prisoner to another shall be sufficient reason for the cancellation and forfeiture of the same; provided, that all scrip in legal possession of a prisoner upon his discharge shall be immediately presented for refund. Otherwise, the prisoner shall forfeit all rights of refund and recovery. (Bill No. 872, Ord. 7.061 (C.S.), Sec. 4)

SEC. 13.12. KEEPING OF ACCOUNTS. The Controller shall prescribe the manner in which the Sheriff shall keep all accounts showing the transactions of Sheriff's stores, as well as the procedure for and the manner in which reports and accounts regarding the stores shall be rendered to the Controller. (Bill No. 872, Ord. No. 7.061 (C.S.), Sec. 5)

SEC. 13.13. RULES FOR CONDUCT AND MAINTENANCE. The Sheriff shall make and enforce reasonable rules for the conduct and maintenance of the Sheriff's stores. (Bill No. 872, Ord. No. 7.061 (C.S.), Sec. 6)

SEC. 13.14. SHERIFF'S STORES REVOLVING FUND. There is hereby established a revolving fund to be known as the Sheriff's Stores Revolving Fund. Such fund shall be maintained in the treasury of the City and County. All amounts due for supplies for the Sheriff's stores shall be paid from the fund, in such manner as the Controller shall direct. (Bill No. 872, Ord. No. 7.061 (C.S.), Sec. 7)

ARTICLE III**RETURN OF PERSONS CHARGED WITH CRIMES FROM WITHIN STATE**

SEC. 13.15. RETURN AUTHORIZED BY SHERIFF OR CHIEF OF POLICE. Whenever a complaint charging any person with the commission of a criminal offense is filed in any court in the City and County having jurisdiction of the matter complained—

—Or when any indictment is returned by the Grand Jury charging any person with the commission of a criminal offense and a warrant of arrest is issued for such person by any court having jurisdiction in the premises—

—And the person complained of or indicted can be located outside the City and County but within the State—

—And the person is arrested on the warrant or pursuant to the indictment—

—The defendant for whom the warrant is issued or against whom the indictment is returned may be returned to the City and County by the Chief of Police or Sheriff for arraignment, preliminary hearing or trial in the court having jurisdiction in the premises at the expense of the City and County, upon the terms and conditions enumerated in this Article. (Ord. No. 9513 (1939), Sec. 1)

SEC. 13.16. COMPLAINANT TO ADVISE OF LOCATION OF DEFENDANT AND DEPOSIT COST OF RETURN. The person upon whose complaint any warrant of arrest is issued, or at whose request any indictment has been issued against any person, shall advise the Chief of Police or Sheriff where the defendant (complained of and against whom a warrant of arrest has been issued or an indictment returned) may be located or has been apprehended.

It shall thereupon be the duty of the Chief of Police or Sheriff to advise the person (upon whose complaint any warrant of arrest has been issued, or for whom any indictment against an accused defendant has been returned) as to the amount necessary to defray the cost of returning said defendant (charged or indicted) to the City and County for arraignment, preliminary hearing or trial.

If the person desires the defendant against whom the warrant has been issued, or against whom any indictment has been returned, to be returned to the City and County for arraignment, preliminary hearing or trial, said person shall deposit with the Chief of Police or Sheriff the amount so specified, and it shall thereupon be the duty of the Chief of Police or Sheriff to cause the defendant for whom the warrant has been issued (or against whom the indictment has been returned) to be returned to the City and County. (Ord. No. 9513 (1939), Sec. 1)

SEC. 13.17. RETURN OF DEPOSITS. When any defendant for whom a warrant has been issued, or against whom an indictment has been returned, has had a preliminary examination, or has pleaded guilty to the offense charged against him or her, either in the complaint filed against the defendant or in the indictment returned against the defendant, or has been tried for the offense, then the person at whose request the person was returned to the City and County shall be entitled to be reimbursed for the amount of money deposited with the Chief of Police or Sheriff to defray the cost of returning the defendant to the City and County. It shall be the duty

of the Chief of Police or Sheriff to approve the payment of the sum. The Controller shall draw a warrant therefor from such funds as are available for the purpose, in favor of the person at whose request the defendant was returned; and the Treasurer shall pay the same. No person who refuses to aid in the prosecution of the defendant, or to testify as to the matters which are complained against the defendant, or who settles or compromises, or agrees to settle or compromise any claim, which is, or may be the basis of charges against the defendant, or who agrees to the dismissal of the charges shall be reimbursed for any deposit with the Chief of Police or Sheriff, except with the approval of the Chief or Sheriff. (Ord. No. 9513 (1939), Sec. 1)

SEC. 13.18. ARTICLE NOT OBLIGATORY ON SHERIFF AND CHIEF OF POLICE. It shall not be obligatory upon the Chief of Police or Sheriff to accept any amount offered to defray the cost of returning any defendant in conformity with the provisions of this article. The Chief of Police or Sheriff shall cooperate in the returning of the defendant only when he or she is of the opinion that the ends of justice will be served by the return, and he or she may at all times exercise his or her sound discretion as to the return of any defendant. (Ord. No. 9513 (1939), Sec. 1)

SEC. 13.19. DUTY OF DISTRICT ATTORNEY UPON RETURN OF DEFENDANT. Upon the return of the defendant to the City and County it shall be the duty of the District Attorney to provide for the proper arraignment of the defendant, for his or her preliminary examination or trial, if held for trial. (Ord. No. 2853 (1939), Sec. 3)

SEC. 13.20. ARTICLE DEEMED SUPPLEMENTAL TO STATE LAW. Nothing in this Article shall in any way abridge, set aside or render inoperative any provision of the Penal Code or of any other law or statute of the state dealing with the apprehension, arrest, admission to bail, extradition, or return for trial, or trial of any person charged with crime, but this Article shall be deemed to be supplemental and in aid of all existing laws and statutes. (Ord. No. 2853 (1939), Sec. 6)

SEC. 13.21. LIMITATIONS UPON REFUNDS. No refunds shall be made of any moneys advanced for the return to the City and County of any person charged with crime, as provided for in this Article, unless the return of the person has been accomplished as provided by law and the costs of the return are a proper charge against the City and County; provided, however, that if the person to be returned is discharged on bail or released from custody by a court of competent jurisdiction, any money advanced for the return of the person may be refunded. (Ord. No. 2853 (1939), Sec. 7)

SEC. 13.22. "COST OF RETURNING" DEFINED. The term "cost of returning any person to the City and County" as used in this Article shall include among any and all other items the cost of travel to and from the place from which the person is to be brought, living and other expenses during the time consumed in going to and returning from such place and any other expense incident to the return of the person. (Ord. No. 2853 (1939), Sec. 8)

SEC. 13.23. FUND TO CARRY OUT PROVISIONS OF ARTICLE — CREATED. A fund of \$30,000 is hereby created in account (Controller's No. 60.966.09) to carry out the provisions of this Article. (Amended by Ord. 59-86, App. 2/28/86)

SEC. 13.24. FUND TO CARRY OUT PROVISIONS OF ARTICLE — REPLACEMENT OF DISBURSEMENTS. Disbursements from the fund created by Section 13.23 of this Code shall be replaced at least annually by appropriation. (Ord. No. 5039 (1939), Sec. 1)

ARTICLE IV

LAW ENFORCEMENT

SEC. 13.50. TELPAK CIRCUIT SYSTEM; STOLEN VEHICLES. The Police Commission, subject to the budget and fiscal provisions of the Charter, is hereby authorized to enter into an agreement with the State of California, acting by and through the California Highway Patrol, for the use of the Telpak Circuit System in connection with the reporting and recovery of stolen vehicles. (Added by Ord. 70-65, App. 3/19/65)

SEC. 13.51. ALAMEDA COUNTY POLICE INFORMATION NETWORK SYSTEM. The Police Commission, subject to the budget and fiscal provisions of the Charter, is hereby authorized to enter into an agreement with the County of Alameda, State of California, to provide for the participation of the San Francisco Police Department in the police information network system maintained by said county to serve participating law enforcement agencies. (Added by Ord. 252-66, App. 9/27/66)

ARTICLE V

WORK FURLOUGH OF COUNTY JAIL PRISONERS

SEC. 13.60. WORK FURLOUGH PROGRAM; FINDINGS. The Board of Supervisors finds on the basis of employment conditions and education conditions, the state of the facilities of the County Jail, and other pertinent circumstances, that the operation of Section 1205 of the Penal Code, known as the "Cobey Work Furlough Law," is feasible in the City and County of San Francisco insofar as it pertains to employment and education. (Amended by Ord. 309-72, App. 10/30/72)

SEC. 13.61. WORK FURLOUGH ADMINISTRATOR. The Sheriff shall perform the functions of the Work Furlough Administrator. (Amended by Ord. 481-81, App. 9/29/81)

SEC. 13.62. WORK FURLOUGH ADMINISTRATOR — AGREEMENTS. Pursuant to the provisions of California Penal Code Section 1208.5, the Work Furlough Administrator, as defined in Section 13.61, is authorized to enter into agreements with other counties whereby a person sentenced to, or imprisoned in, the jail of one county, but regularly employed in another county, may be transferred by the sheriff of the county in which such person is confined to the jail of the county in which such person is employed, in order that such person may continue in regular employment in such other county through such county's work furlough program.

The Work Furlough Administrator may enter into such contracts on behalf of the City and County of San Francisco. Any person to be transferred from another county to San Francisco must meet the standards normally applied to persons selected for work furlough in the City and County of San Francisco. The person to be transferred to San Francisco must either reside in the City and County of San Francisco or be employed in the work furlough area of said City and County, and any person transferred from or to San Francisco agrees to pay all transportation, medical costs and administrative costs associated with such person's participation in the work furlough program either in San Francisco or any other county. (Amended by Ord. 161-80, App. 4/25/80)

ARTICLE VI

ADVISORY COMMITTEE ON ADULT DETENTION

SEC. 13.70. AUTHORITY OF BOARD OF SUPERVISORS. The Board of Supervisors of the City and County of San Francisco under authority of Sections 4300 through 4305 of the Penal Code of the State of California, hereby establishes an advisory committee on adult detention. (Added by Ord. 300-66, App. 12/27/66)

SEC. 13.71. MEMBERS. There shall be six members of the committee. Two shall be appointed by the Board of Supervisors, two by the Sheriff, and two by the presiding judge of the Superior Court. Of the two members appointed by the judge of the Superior Court, one shall be a member of the State Bar. (Added by Ord. 300-66, App. 12/27/66)

SEC. 13.72. TERM OF OFFICE. The members of the committee shall hold office for four years and until their successors are appointed and qualify. Of those first appointed by the Sheriff, Superior Court judge, and the Board of Supervisors, one shall hold office for two years, and one for four years; and the respective terms of the members first appointed shall be determined by lot as soon as possible after their appointment. When a vacancy occurs in the committee by expiration of the term of office of any member thereof, his successor shall be appointed to hold office for a term of four years. When a vacancy occurs for any other reason, the appointee shall hold office for the unexpired term of his predecessor. (Added by Ord. 300-66, App. 12/27/66)

SEC. 13.73. COMPENSATION. Members of the committee shall serve without compensation, but shall be allowed their reasonable expenses as approved by the presiding judge of the Superior Court. Such expenses shall be a charge upon the county in which the court has jurisdiction, and shall be paid out of the county treasury upon a written order of the judge of the Superior Court directing the county auditor to draw a warrant upon the City and County Treasurer for the specified amount of such expenses. All orders by the Superior Court judge upon the City and County Treasurer shall be filed in duplicate with the City and County Board of Supervisors and Sheriff. (Added by Ord. 300-66, App. 12/27/66)

SEC. 13.74. ANNUAL REPORT. The committee shall file a report within 90 days after the 31st day of December of the calendar year for which such report is made, copies of which shall be filed with the City and County Board of Supervisors, the presiding judge, the Sheriff, the Board of Corrections, and the Attorney General. (Added by Ord. 300-66, App. 12/27/66)

SEC. 13.75. ANNUAL INSPECTION OF ADULT DETENTION FACILITIES. The committee shall annually inspect the City and County adult detention facilities. Such inspection shall be concerned with the conditions of inmate employment, detention, care, custody, training and treatment. A report of such visitations together with pertinent recommendations shall be filed annually in accordance with the provisions of Section 13.74 of this Article. (Added by Ord. 300-66, App. 12/27/66)



CHAPTER 15**MENTAL HEALTH SERVICE**

- Sec. 15.1. Established Pursuant to State Law.
- Sec. 15.2. To Be Administered by Director of Public Health; Powers and Duties of Director.
- Sec. 15.3. Advisory Board—Composition, Appointment and Terms of Members.
- Sec. 15.4. Advisory Board—Powers and Duties.
- Sec. 15.5. Services Which May Be Provided.
- Sec. 15.6. Authority of Chief Administrative Officer and Purchaser of Supplies to Enter into Agreements to Provide Services.
- Sec. 15.7. Community Mental Health Services Plan.
- Sec. 15.8. Psychiatric Rehabilitation Services—Contract for.
- Sec. 15.9. Drug Abuse Advisory Board.
- Sec. 15.9-1. Local Suppression of Drug Abuse in Schools Advisory Committee.
- Sec. 15.10. Community Mental Health Advisory Boards—Purpose.
- Sec. 15.10-1. Community Mental Health Advisory Boards—Establishment.
- Sec. 15.10-2. Community Mental Health Advisory Boards—Membership of.
- Sec. 15.10-3. Community Mental Health Advisory Board—Duties of.
- Sec. 15.10-4. Community Mental Health Advisory Boards—Staff.
- Sec. 15.10-5. Community Mental Health Advisory Boards Prohibition Regarding Mental Health Services.
- Sec. 15.11. Forensic Advisory Council.

SEC. 15.1. ESTABLISHED PURSUANT TO STATE LAW. There is hereby established the Community Mental Health Service in the City and County, pursuant to the provisions of Sections 9000 to 9058 of the Welfare and Institutions Code of the State of California (the Short-Doyle Act). (Ord. No. 193-58, Sec. 1)

SEC. 15.2. TO BE ADMINISTERED BY DIRECTOR OF PUBLIC HEALTH; POWERS AND DUTIES OF DIRECTOR. The Community Mental Health Service in the City and County shall be administered by the Director of Public Health for the City and County. The Director shall have the following powers and duties:

(a) **Chief Executive Officer.** The Director shall serve as chief executive officer of the Community Mental Health Service and shall be responsible to the Board of Supervisors.

(b) **General Supervision.** The Director shall exercise general supervision over mental health services and facilities furnished, operated or supported as part of the Community Mental Health Service in the City and County.

(c) **Recommendations to Board of Supervisors.** The Director shall recommend to the Board of Supervisors, after consultation with the Advisory Board, the

provisions of services, establishment of facilities, contracting for service or facilities and other matters necessary or desirable to accomplish the purpose of the Community Mental Health Service.

(d) **Annual Report.** The Director shall submit an annual report to the Board of Supervisors, reporting all activities of the Community Mental Health Services, including a financial accounting of expenditures and a forecast of anticipated needs for the ensuing year.

(e) **Studies.** The Director shall carry on such studies as may be appropriate for the discharge of duties, including the control and prevention of psychiatric disorders. (Ord. No. 193-58; Sec. 2)

SEC. 15.3. ADVISORY BOARD — COMPOSITION, APPOINTMENT AND TERMS OF MEMBERS. The Community Mental Health Service shall have an Advisory Board of 17 members, who shall be appointed by the Board of Supervisors. One member of the Advisory Board shall be ex officio the President of the Board of Supervisors, or a member of said Board of Supervisors who does not qualify as a professional member under this Section, to serve instead of the President as a member of the Advisory Board, as designated by the Board. Not less than 51 percent of the members of the Advisory Board shall be persons representative of the public interest in mental health; provided, however, that not less than 1/2 of the members representing the public interest shall be persons or the parents, spouses or adult children of persons who have received mental health services from a City or County Short-Doyle program or any of its agencies, a state hospital, or any public or private nonprofit mental health agency. The Advisory Board shall contain two physicians, one of whom shall specialize in psychiatry, and the remaining members shall be selected from among the following mental health professions: psychology, social work, nursing, marriage and family counseling, psychiatric technology, hospital or community mental health facility administration. No more than one appointed from each of such professions shall be selected.

Persons in the professions of education, law, criminal justice and fiscal management may be considered as representatives of the general public. For members not representing the public interest, the Board of Supervisors shall appoint persons representing different disciplines.

Except for the President of the Board of Supervisors or his or her designee, the term of each member shall be for three years; provided, however, that of the members first appointed after January 1, 1977, six shall be appointed for a term of one year, five for a term of two years, and five for a term of three years. If, however, prior to the expiration of such term a member ceases to retain the status which qualified such member for appointment to the Board, the membership on the Board shall terminate and there shall be a vacancy on the Board.

No members of the Advisory Board or his or her spouse shall be full-time or part-time City and County employee of the San Francisco Community Mental Health Services, an employee of the State Department of Health, an employee of the State Department of Benefit Payments, or an employee of a Short-Doyle contract facility, nor shall any member of the Advisory Board serve longer than two successive three-year terms expiring after the effective date of this ordinance. (Amended by Ord. 15-80, App. 1/11/80)

SEC. 15.4. ADVISORY BOARD — POWERS AND DUTIES. The Community Mental Health Service Advisory Board shall:

- (a) Review and evaluate the City and County's mental health needs, services, facilities and special problems;
- (b) Advise the Board of Supervisors as to a program of community mental health services and facilities; and
- (c) Act in an advisory capacity to the Director of Mental Health Services. (Ord. No. 193-58, Sec. 4)

SEC. 15.5. SERVICES WHICH MAY BE PROVIDED. The Community Mental Health Service may provide any or all the following services for the City and County:

- (a) Out-patient psychiatric clinics for those who are unable to obtain private care, including referrals by physicians and surgeons.
- (b) In-patient psychiatric services for those who are unable to obtain private care, including referrals by physicians and surgeons.
- (c) Rehabilitation services for patients with psychiatric illnesses for those who are unable to obtain private care, including referrals by physicians and surgeons.
- (d) Information services to the general public and educational services furnished by qualified mental health personnel to schools, courts, health and welfare agencies, probation departments and other appropriate public or private agencies or groups authorized in the approved plan for Community Mental Health Services.
- (e) Psychiatric consultant services to public or private agencies for the promotion and coordination of services that preserve mental health and for the early recognition and management of conditions that might develop into psychiatric illnesses.
- (f) Any other services which are now or which may be subsequently permitted by the Short-Doyle Act (Sections 9000 to 9058 of the State Welfare and Institutions Code). (Ord. No. 193-58, Sec. 5)

SEC. 15.6. AUTHORITY OF CHIEF ADMINISTRATIVE OFFICER AND PURCHASER OF SUPPLIES TO ENTER INTO AGREEMENTS TO PROVIDE SERVICES. Subject to prior approval of the Board of Supervisors, after public hearing by the Health and Environment Committee, the Health Commissioner and the Purchaser of Supplies are hereby authorized, subject to certification of availability of funds by the Controller, to enter into and execute any new, renewed or amended written agreement on behalf of the City and County of San Francisco, when funds have been appropriated, to provide psychiatric services, including but not limited to inpatient, outpatient, partial hospitalization, emergency, daycare and rehabilitation services, in accordance with Chapter 15 of the San Francisco Administrative Code (Community Mental Health Service), Division 5 of the Welfare and Institutions Code (Lanterman-Petris-Short Act and Short-Doyle Act), State of California, in substantially the form of the copy of the agreement which is on file with the Board of Supervisors under File No. 290-70; provided, that when the contract is for a renewal or amendment of an existing contract, the department will submit to the Board of Supervisors a statement certifying that the contract

purveyor has a record of successful experience, specifying the number of years of such experience, and verifying that there have been no fiscal or other problems in the performance of the contract. Such certification shall be supported by a standardized report from the department summarizing types of service, unit costs, cost breakdown and source of funds, and shall include a performance evaluation by the responsible department officer administering the contract. (Amended by Ord. 266-85, App. 5/30/85)

SEC. 15.7. COMMUNITY MENTAL HEALTH SERVICES PLAN. The Board of Supervisors does hereby authorize the Clerk of the Board to execute annually the Community Mental Health Services Plan (County Short-Doyle Plan) of the City and County of San Francisco and to file it annually with the State Department of Health.

The Community Mental Health Plan (County Short-Doyle Plan) submitted to the Board of Supervisors shall be accompanied by an inventory listing each public and private mental health facility and its location by street address of mental health facilities that are part of said plan, and no subsequent new location or relocation of any mental health facility which is a part of said plan or is to be included in said plan by amendment thereto shall be permitted or proposed by the Director of Public Health until said new location or relocation is approved by the Board of Supervisors, such approval to occur after review by Mental Health Advisory Board and District Advisory Board in whose catchment area the site is situated. (Amended by Ord. 318-75, App. 7/11/75)

SEC. 15.8. PSYCHIATRIC REHABILITATION SERVICES — CONTRACT FOR. The Health Commission and the Purchaser of Supplies are hereby authorized, when the approval of the Department of Mental Hygiene of the State of California has been obtained in accordance with the provisions of Division 8 of the Welfare and Institutions Code and the regulations promulgated thereunder, and when funds have been provided and subject to certification thereof by the Controller of the City and County of San Francisco, to enter into and execute those amendments to the existing contract with psychiatric day center for psychiatric rehabilitation services, which are on file with the Board of Supervisors under file No. 215-63-2. (Amended by Ord. 266-85, App. 5/30/85)

SEC. 15.9. DRUG ABUSE ADVISORY BOARD. (a) **Establishment of Drug Abuse Advisory Board.** Pursuant to Section 11964 of the California Health and Safety Code there is hereby created an Advisory Board of 15 members known as the Drug Abuse Advisory Board, who shall be appointed by the Board of Supervisors and who shall serve without compensation.

(b) **Composition.** Members of the Advisory Board shall have a professional interest in or a personal commitment to alleviating drug abuse. Membership shall include representatives from various social, economic and occupational groups and shall be broadly representative of the demographic characteristics of San Francisco. Appointments to the Advisory Board shall reflect public policy with regard to affirmative action selection of Third World and other appropriate special citizen groups. Membership shall be drawn from all areas of the City and County.

Two members shall be from law enforcement and at least two but no more than five shall be drug abuse treatment providers. The remaining members shall be from the general public.

(c) Restrictions on Membership.

(1) The Advisory Board shall not include any person or his or her spouse who is of any of the following:

(A) A member of the Board of Supervisors or a person on the staff of a member of the Board of Supervisors.

(B) An employee of the City and County of San Francisco Department of Public Health.

(2) The Advisory Board shall not include in excess of 33-1/3 percent of its membership any person or his or her spouse who is any of the following:

(A) A member of a board of directors or advisory board or employee of any City and County operated or City and County contract provider of drug services, or of any program approved pursuant to Section 11876 of the California Health and Safety Code (methadone program).

(B) A direct recipient of any State funds allocated for drug programs under Part 3 of Division 10.5 of the California Health and Safety Code pursuant to a contract with the State Department of Health Services which shall include compensation for contracted services or membership on an advisory body or board of directors of such recipient agency.

(d) Term of Membership. The term of each membership shall be three years. Vacancies on the Advisory Board shall be filled for the unexpired term of the membership position which becomes vacant.

(e) Termination of Membership.

(1) Membership on the Advisory Board shall terminate with expiration of the term to which the member was appointed or if the member ceases to maintain the status which qualified him or her for appointment, except that the member may continue to serve until a successor is appointed.

(2) A member of the Advisory Board shall be deemed to have resigned his or her membership if he or she fails to attend regular meetings of the Advisory Board for three consecutive months unless the absences are excused by a majority vote of the Advisory Board.

(3) The Advisory Board may adopt standards for removing members for cause which standards must:

(A) Be consistent with the provisions of Section 11964 of the California Health and Safety Code; and

(B) Be approved by the Board of Supervisors.

(f) Frequency and Conduct of Meetings. The Advisory Board shall meet at least bimonthly and may meet at such other times as may be deemed necessary by the chair or the County's Drug Program Administrator. Meetings of the Advisory Board shall be open to the public and subject to the provisions of the Ralph M. Brown Act, Sections 54950 et seq. of the California Government Code.

(g) Duties. The Advisory Board shall coordinate its efforts, where appropriate, with San Francisco's other advisory boards concerned with drug problems and shall perform the duties specified in Section 11965(k) of the California Health and

Safety Code. In addition, the Advisory Board shall issue written recommendations regarding the funding of proposals for services received by the County's Drug Program Administrator. (Amended by Ord. 131-86, App. 4/18/86)

SEC. 15.9-1. LOCAL SUPPRESSION OF DRUG ABUSE IN SCHOOLS ADVISORY COMMITTEE. (a) **Establishment of Local Suppression of Drug Abuse in Schools Advisory Committee.** Pursuant to Sections 13860 through 13863, inclusive, of the Penal Code, there is hereby created an advisory committee of 11 members known as the Local Suppression of Drug Abuse in Schools Advisory Committee (hereinafter, "committee,") who shall be appointed by the Board of Supervisors.

(b) **Purpose.** The purpose of the committee is to develop and promote increased efforts by local law enforcement agencies, working in conjunction with school districts and County drug offices to suppress trafficking and prevent drug abuse among school age children through the development of innovative programs by schools, drug abuse agencies and local law enforcement agencies.

The executive director of the Office of Criminal Justice Planning is authorized to allocate and award funds to local law enforcement agencies and public schools with joint drug abuse prevention and drug trafficking suppression programs. The committee will consult with the executive director concerning the program.

(c) **Composition.** Members of the committee shall have a professional interest in or a personal commitment to preventing drug abuse among school age children. Membership shall include representatives from various social, economic and occupational groups and shall be broadly representative of the demographic characteristics of San Francisco. Appointments to the Advisory Board shall reflect public policy with regard to affirmative action selection of Third World and other appropriate special citizen groups. Membership shall be drawn from all areas of the City. The committee shall be composed of, at a minimum, the following:

- Local law enforcement executives.

- School district executives.

- School site staff which includes administrators, teachers, or other credentialed personnel.

- Parents.

- Students.

- School peace officers.

- County drug program administrators designated pursuant to Section 11962 of the Health and Safety Code.

- Drug prevention program executives.

(d) **Restrictions on Membership.**

(1) The committee shall not include any person or his or her spouse who is a member of the Board of Supervisors or a person on the staff of a member of the Board of Supervisors.

(2) The committee shall not include in excess of 33-1/3 percent of its membership any person or his or her spouse who is a member of a board of directors or advisory board or employee of any City and County operated or City and County contract provider of drug services, or of any program approved pursuant to Section 11876 of the California Health and Safety Code (methadone program).

(e) **Term of Membership.** All members shall be appointed to serve two-year terms. Any vacancy occurring during a term shall be filled for the unexpired term. Commencing with the date upon which the first members take office, the committee shall elect a chairperson from among its members. Members shall serve without compensation.

(f) **Frequency and Conduct of Meetings.** The committee shall meet at least quarterly and may meet at such other time as may be deemed necessary by the chair or the County's Drug Program Administrator. Meetings of the Advisory Board shall be open to the public and subject to the provisions of the Ralph M. Brown Act, Sections 54950 et seq. of the California Government Code.

(g) **Duties.** The committee shall coordinate its efforts, where appropriate, with San Francisco's other advisory boards concerned with drug problems and shall perform the duties specified in Sections 13860 through 13863, inclusive, of the Penal Code. (Added by Ord. 184-84, App. 4/26/84)

SEC. 15.10. COMMUNITY MENTAL HEALTH ADVISORY BOARDS—PURPOSE. Community Mental Health Services in the City and County of San Francisco are administered on a city-wide age-selected basis and specialized city-wide services. Community Mental Health Services can more effectively serve the residents of the City and County by encouraging citizen participation in the system in an advisory capacity. To ensure citizen participation, it is appropriate and necessary that there be established Community Mental Health Advisory Boards in each of three geographically-defined areas, and for each of the specialized city-wide services except drug abuse and alcoholism which already have advisory boards pursuant to State law. (Amended by Ord. 452-85, App. 10/4/85)

SEC. 15.10-1. COMMUNITY MENTAL HEALTH ADVISORY BOARDS—ESTABLISHMENT. The local Director of Mental Health shall, with the advice of the County Mental Health Advisory Board, initiate the establishment of a Community Mental Health Advisory Board in each of the three geographically-defined areas and for each city- and county-wide specialty mental health service, except for alcoholism and drug abuse, where such advisory board is appropriate. The Community Mental Health Advisory Board so established shall be the only recognized advisory board to the mental health service in each geographically-defined area or for the particular city- and county-wide specialty service. The local Mental Health Director shall issue guidelines to elucidate the tasks and functions of the advisory boards as are consistent with this ordinance. (Amended by Ord. 452-85, App. 10/5/85)

SEC. 15.10-2. COMMUNITY MENTAL HEALTH ADVISORY BOARDS—MEMBERSHIP OF. The membership criteria for Community Mental Health Advisory Boards shall be as follows:

(a) A member shall be a resident of the geographically defined area for which the Advisory Board is established or a resident of the City and County for city-wide specialty advisory boards.

(b) Each Advisory Board shall have not more than 40 or less than 15 members with the number to be initially established by the local Director of Mental Health, but thereafter, by the Advisory Board itself which shall establish its own rules or procedure not inconsistent with this ordinance.

(c) No member of an Advisory Board may participate in any discussion or vote on any matter where there exists a conflict of interest.

(d) The membership of an Advisory Board shall be broadly representative of the ethnic, racial, age, economic, occupational and specialty character of its constituency and of each geographical area it represents, and shall include direct consumers of mental health services.

(e) Membership on each Advisory Board shall be determined by elections or such similar democratic procedure as approved by the local Director of Mental Health, with advice from the County Mental Health Advisory Board as will further the purposes of this ordinance.

(f) The term of membership on an Advisory Board shall be two years. No member of an Advisory Board may serve more than two consecutive full terms. One-half the members of an Advisory Board shall be selected in alternate years.

(g) Not more than 25 percent of an Advisory Board may be direct providers of mental health services, or immediate family of direct providers and no member of an Advisory Board may be employed in a mental health service facility financed directly or through contract by the City and County of San Francisco. (Amended by Ord. 452-85, App. 10/5/85)

SEC. 15.10-3. COMMUNITY MENTAL HEALTH ADVISORY BOARD—DUTIES OF. The duties of the advisory boards shall be:

(a) To review, evaluate and recommend priorities for mental health needs, services, facilities and special problems of each geographically-defined area or city- and county-wide specialty service to which it is related.

(b) To participate with the County Mental Health Advisory Board in the development and review of the County Mental Health Plan.

(c) To advise the County Mental Health Advisory Board, the Mental Health Program Chief or his or her designee and the Health Commission as to the needs of each geographically-defined area or of the City and County in the respective specialty services, and as to the extent to which mental health programs meet the needs of the community. (Amended by Ord. 452-85, App. 10/5/85)

SEC. 15.10-4. COMMUNITY MENTAL HEALTH ADVISORY BOARDS—STAFF. The local Director of Mental Health is authorized to provide independent staff and support to assist the advisory boards in their operation. (Amended by Ord. 452-85, App. 10/5/85)

SEC. 15.10-5. COMMUNITY MENTAL HEALTH ADVISORY BOARDS PROHIBITION REGARDING MENTAL HEALTH SERVICES. No advisory board or boards may provide mental health services or apply for private or public funds to do so. Any advisory board action in violation of this Section shall be cause for termination of such board's existence. (Amended by Ord. 452-85, App. 10/5/85)

SEC. 15.11. FORENSIC ADVISORY COUNCIL. (a) **Purpose.** The Division of Forensic Services of the San Francisco Department of Health finds that it is appropriate and necessary that there be established a Forensic Advisory Council in

order to more effectively serve the People of the City and County of San Francisco and to encourage and ensure citizen participation in the system in an advisory capacity.

(b) **Establishment.** The Director of Health shall establish a Forensic Advisory Council. The Advisory Council so established shall be the only recognized advisory body to the Division of Forensic Services of the San Francisco Department of Health. The Director shall issue guidelines to elucidate the tasks and functions of the Advisory Council as are consistent with this ordinance.

(c) **Membership.**

1. A member shall be a resident of the City and County of San Francisco.

2. The Advisory Council shall have not more than 15 members with the number to be initially established by the Director of Health, but thereafter by the Advisory Council itself which shall establish its own rules of procedure not inconsistent with this ordinance.

3. The membership of this Advisory Council shall be broadly representative of the ethnic, racial, age, sexual, occupational and special diversity of the people of San Francisco.

4. At the time of appointment, the Director of Health shall divide the Council members into two groups containing as nearly equal whole numbers as possible. The first term of the members in the first group shall be approximately one year; the first term of the members in the second group shall be approximately two years, and thereafter the terms of all members shall be two years. No member shall serve more than three consecutive terms.

5. No members of the Forensic Advisory Council shall be employees of the Division of Forensic Services of the San Francisco Department of Health, or of programs or services funded through a contract with the Division of Forensic Services of the San Francisco Department of Health.

(d) **Duties.** The duties of the Advisory Council shall be:

1. To review, evaluate and recommend priorities for and programs of the Division of Forensic Services to meet the needs of the clients of Forensic Services and the people of San Francisco at large.

2. To advise the Director of Health and the Program Chief of the Division of Forensic Services as to the need for Forensic Health Services, and as to the extent to which the Division of Forensic Services of the San Francisco Department of Health meets these needs.

(e) **Staff.** The Director of Health shall provide staff and support to assist the Advisory Council in its operations.

(f) **Restrictions.** The Forensic Advisory Council may not provide forensic health services or apply for private or public funds to do so. (Amended by Ord. 291-85, App. 6/13/85)



CHAPTER 16

OFFICERS AND EMPLOYEES GENERALLY

ARTICLE I IN GENERAL

- Sec. 16.1. Military Leaves—Payment of Salaries for Thirty-Day Period.
- Sec. 16.2. Military Leaves—Authorized for Sea Duty Aboard Government Operated Ships.
- Sec. 16.3. Designation of State Legislative Representative.
- Sec. 16.3-1. Designation of Federal Legislative Representative.
- Sec. 16.3-3. Public Guardian Designated—Qualification for Services.
- Sec. 16.3-5. Attorney for Public Guardian.
- Sec. 16.3-6. Administrative Officer for Veterans' Interment Designated.
- Sec. 16.3-7. Consolidation of Duties of the County Agricultural Commissioner and the Sealer of Weights and Measures.
- Sec. 16.3-8. Enforcement of Littering Laws.
- Sec. 16.4. Saturday Closing of City Offices.
- Sec. 16.5. Special Meetings of Boards and Commissions.
- Sec. 16.5-1. Boards and Commissions—Public Testimony.
- Sec. 16.6. Representation of City and County in Certain Organizations—Memberships in Organizations Authorized.
- Sec. 16.6-1. Representation of City and County in Certain Organizations—Board of Supervisors.
- Sec. 16.6-2. Representation of City and County in Certain Organizations—Mayor.
- Sec. 16.6-2.1. Representation of City and County in Certain Organizations—Mayor, Commission of the Status of Women.
- Sec. 16.6-3. Representation of City and County in Certain Organizations—Assessor.
- Sec. 16.6-4. Representation of City and County in Certain Organizations—City Attorney.
- Sec. 16.6-5. Representation of City and County in Certain Organizations—Hetch Hetchy Water Supply, Power and Utilities Engineering Bureau.
- Sec. 16.6-6. Representation of City and County in Certain Organizations—Fire Department.
- Sec. 16.6-7. Representation of City and County in Certain Organizations—Juvenile Court.
- Sec. 16.6-8. Representation of City and County in Certain Organizations—Real Estate Department.
- Sec. 16.6-9. Representation of City and County in Certain Organizations—Department of Public Works.
- Sec. 16.6-9.1. Representation of City and County in Certain Organizations—Department of Public Works (Continued).

- Sec. 16.6-10. Representation of City and County in Certain Organizations—
Department of Public Health.
- Sec. 16.6-11. Representation of City and County in Certain Organizations—
Social Services.
- Sec. 16.6-12. Representation of City and County in Certain Organizations—
Controller.
- Sec. 16.6-13. Representation of City and County in Certain Organizations—
City Planning Commission.
- Sec. 16.6-14. Representation of City and County in Certain Organizations—
Civic Service.
- Sec. 16.6-15. Representation of City and County in Certain Organizations—
Parking Authority.
- Sec. 16.6-16. Representation of City and County in Certain Organizations—
Recreation and Park Department.
- Sec. 16.6-17. Representation of City and County in Certain Organizations—
Public Library.
- Sec. 16.6-17.1. Representation of City and County in Certain Organizations—
Public Library (Continued).
- Sec. 16.6-17.2. Representation of City and County in Certain Organizations—
Public Library (Continued).
- Sec. 16.6-17.3. Representation of City and County in Certain Organizations—
Public Library (Continued).
- Sec. 16.6-17.4. Representation of City and County in Certain Organizations—
Public Library (Continued).
- Sec. 16.6-19. Representation of City and County in Certain Organizations—
The Fine Arts Museums of San Francisco.
- Sec. 16.6-20. Representation of City and County in Certain Organizations—
Municipal Railway.
- Sec. 16.6-21. Representation of City and County in Certain Organizations—
Water Department.
- Sec. 16.6-22. Representation of City and County in Certain Organizations—
Treasurer.
- Sec. 16.6-23. Representation of City and County in Certain Organizations—
Chief Administrative Officer.
- Sec. 16.6-24. Representation of City and County in Certain Organizations—
Bureau of Light, Heat and Power.
- Sec. 16.6-25. Representation of City and County in Certain Organizations—
District Attorney.
- Sec. 16.6-26. Representation of City and County in Certain Organizations—
Public Utilities Commission.
- Sec. 16.6-27. Representation of City and County in Certain Organizations—
Airport.
- Sec. 16.6-28. Representation of City and County in Certain Organizations—
Department of Electricity.
- Sec. 16.6-29. Representation of City and County in Certain Organizations—
Employees' Retirement System.
- Sec. 16.6-30. Representation of City and County in Certain Organizations—
Municipal Court.

- Sec. 16.6-31. Representation of City and County in Certain Organizations—Sheriff.
- Sec. 16.6-32. Representation of City and County in Certain Organizations—Achenbach Foundation for Graphic Arts (California Palace of the Legion of Honor).
- Sec. 16.6-33. Representation of City and County in Certain Organizations—Finance and Records.
- Sec. 16.6-34. Representation of City and County in Certain Organizations—Coroner.
- Sec. 16.6-35. Representation of City and County in Certain Organizations—Disaster Council and Corps.
- Sec. 16.6-35.1. Representation of City and County in Certain Organizations—Disaster Council and Corps (Continued).
- Sec. 16.6-36. Representation of City and County in Certain Organizations—Public Defender.
- Sec. 16.6-37. Representation of City and County in Certain Organizations—Superior Court.
- Sec. 16.6-38. Representation of City and County in Certain Organizations—Purchaser of Supplies.
- Sec. 16.6-39. Representation of City and County in Certain Organizations—Road Commissioner.
- Sec. 16.6-40. Representation of City and County in Certain Organizations—Agricultural Commissioner.
- Sec. 16.6-41. Representation of City and County in Certain Organizations—Sealer of Weights and Measures.
- Sec. 16.6-42. Representation of City and County in Certain Organizations—Human Rights Commission.
- Sec. 16.6-43. Representation of City and County in Certain Organizations—San Francisco Port Commission.
- Sec. 16.6-43.1. Representation of City and County in Certain Organizations—San Francisco Port Commission (Continued).
- Sec. 16.6-44. Representation of City and County in Certain Organizations—Health Service System.
- Sec. 16.6-45. Representation of City and County in Certain Organizations—Art Commission.
- Sec. 16.6-46. Representation of City and County in Certain Organizations—War Memorial.
- Sec. 16.6-48. Representation of City and County in Certain Organizations—Annual Dues and Expenses of Memberships; Attending Meetings or Conventions.
- Sec. 16.6-49. Representation of City and County in Certain Organizations—Representatives at Meetings—Voting Contrary to City Policy.
- Sec. 16.6-49.1. Member of Board of Supervisors Serving on Intergovernmental Body—Duties.
- Sec. 16.6-49.2. Member of Board of Supervisors Serving on Intergovernmental Body—Program of Public Hearing.
- Sec. 16.6-49.3. Member of Board of Supervisors Serving on Intergovernmental Body—Establishment of Citizens Advisory Committee.

- Sec. 16.6-50. Member of Board of Supervisors Serving on Intergovernmental Body—Assignment of Department of Public Works Employees to Attend Conferences, Workshops, and Training Courses.
- Sec. 16.6-51. Member of Board of Supervisors Serving on Intergovernmental Body—Assessor.
- Sec. 16.6-52. Training in Electronic Data Processing.
- Sec. 16.6-53. Juvenile Court Employees to Attend Social Services Certificate Program.
- Sec. 16.6-54. Citizens Advisory Commission for Constitutional Revision.
- Sec. 16.6-55. Human Rights Employees to Attend Certain Conferences, Workshops, Seminars, and Training Courses.
- Sec. 16.6-56. Assessor's Office Employees to Attend Training Courses on Assessment Practices.
- Sec. 16.6-57. Membership of Director of Public Works in TOPICS.
- Sec. 16.6-58. Traffic Engineering Improvements—Formulation by Director of Public Works.
- Sec. 16.7. Approval of Expenses of Applicants for Civil Service Appointment.
- Sec. 16.8. Approval of Section 3 of Civil Service Rule 34 Relating to Reduction of Forces Due to Installation of Mechanical Equipment.
- Sec. 16.8-1. Payment or Receipt of Gratuity for Early Retirement Prohibited.
- Sec. 16.9. Poundkeeper Designated.
- Sec. 16.9-1. Internship for Law Students and Attorneys.
- Sec. 16.9-2. Peace Officer Training.
- Sec. 16.9-3. Employee Training.
- Sec. 16.9-4. Training for Promotion.
- Sec. 16.9-5. Training for Present Duties.
- Sec. 16.9-6. Appeal to Civil Service Commission (Section 16.9-4).
- Sec. 16.9-7. Appeal to Civil Service Commission (Section 16.9-5).
- Sec. 16.9-8. Training Procedures.
- Sec. 16.9-9. Peace Officer Training.
- Sec. 16.9-10. Supplemental Training and Employment Program.
- Sec. 16.9-11. Enrollees in STEP Program.
- Sec. 16.9-15. Roster of Officers and Employees Serving on Any Board, Commission or Committee.
- Sec. 16.9-16. Establishment of Programs of Intern Training for Public Service.
- Sec. 16.9-17. Establishment of Programs of Intern Training for Public Service—Authority of Civil Service Commission.
- Sec. 16.9-18. Establishment of Programs of Intern Training for Public Service—Cooperation of Affected Departments.
- Sec. 16.9-19. Interns Selected from Accredited Colleges or Universities.
- Sec. 16.9-20. Qualifications for Selection as Intern.
- Sec. 16.9-21. Duties of Interns.
- Sec. 16.9-22. Hold Harmless Clause.
- Sec. 16.9-23. Establishment of an Internship Program in the Office of the Mayor.

- Sec. 16.9-24. Preparation and Implementation of Office, Board and Department Affirmative Action Plans in Coordination With the Civil Service Commission in Compliance With Relevant Federal, State and Local Law and Guidelines.
- Sec. 16.9-25. Prohibiting Sexual Harassment of City Employees; Establishing a Complaint Procedure; Providing for Remedies for Persons Who Have Been Found to be Victims of Sexual Harassment Including the Setting Aside of Disciplinary Action Against These Persons; Requiring the Imposition of Disciplinary Action Against Persons Violating this Section; Requiring Distribution of the Policy; Interpretation.
- Sec. 16.9-26. Background Qualifications Verification of Applicants to Civil Service Exempt Positions or Personal Services Contractors.

ARTICLE II VACATIONS

- Sec. 16.10. Definitions.
- Sec. 16.11. Calculation of Vacations.
- Sec. 16.12. Award and Accrual of Vacation.
- Sec. 16.13. Effect of Separation Upon Vacation.
- Sec. 16.14. Vacation Schedules.
- Sec. 16.15. Use of Partial Vacation to Supplement Disability Leave.
- Sec. 16.16. Vacation Charges Between Departments.

ARTICLE III SICK LEAVE

- Sec. 16.17. Rule 22 of the Civil Service Commission Approved.
- Sec. 16.17-1. Establishment of Accrued Sick Leave Liability Account for Community Development's Residential Rehabilitation Assistance Program of the Department of Public Works, Bureau of Building Inspection, a Project of the Office of Community Development. This Shall be Identified Under Controller's Firm System 90.01.03 Fund Group 03, Project 102.

ARTICLE IV RETIREMENT

- Sec. 16.29. Definitions.
- Sec. 16.29-1. Definitions—Actuarial Equivalent.
- Sec. 16.29-2. Definitions—Annuity.
- Sec. 16.29-3. Definitions—Beneficiary.
- Sec. 16.29-4. Definitions—Board.
- Sec. 16.29-5. Definitions—City.
- Sec. 16.29-6. Definitions—City and County Service.
- Sec. 16.29-7. Definitions—Types of Compensation.
- Sec. 16.29-7.1. Definitions—Compensation as Distinguished from Benefits.

- Sec. 16.29-7.2. Definitions—Compensation Earnable by a Member.
- Sec. 16.29-7.3. Definitions—Final Compensation.
- Sec. 16.29-7.4. Definitions—Compensation Paid in Lieu of Vacation Excluded.
- Sec. 16.29-8. Definitions—Continuous Service.
- Sec. 16.29-9. Definitions—Types of Contributions.
- Sec. 16.29-9.1. Definitions—Accumulated Additional Contributions.
- Sec. 16.29-9.2. Definitions—Accumulated Contributions.
- Sec. 16.29-9.3. Definitions—Accumulated Normal Contributions.
- Sec. 16.29-9.4. Definitions—Additional Contributions.
- Sec. 16.29-9.5. Definitions—Normal Contributions.
- Sec. 16.29-9.6. Definitions—Prior Contributions.
- Sec. 16.29-9.7. Definitions—Accumulated Prior Contributions.
- Sec. 16.29-9.8. Definitions—Retroactive Contributions.
- Sec. 16.29-9.9. Definitions—Accumulated Retroactive Contributions.
- Sec. 16.29-10. Definitions—Death Allowance.
- Sec. 16.29-11. Definitions—Employee.
- Sec. 16.29-12. Definitions—Member.
- Sec. 16.29-13. Definitions—Member or Police Department or Member of Fire Department.
- Sec. 16.29-14. Definitions—Pension.
- Sec. 16.29-15. Definitions—Prior Service.
- Sec. 16.29-15.1. Definitions—Teachers.
- Sec. 16.29-15.2. Definitions—Members of Police or Fire Departments.
- Sec. 16.29-15.3. Definitions—Persons Referred to in Last Two Sentences of the First Paragraph of Section 8.500 of the Charter.
- Sec. 16.29-15.4. Definitions—All Other Members of the Retirement System.
- Sec. 16.29-15.5. Definitions—Persons Who are Members under Section 8.507 of the Charter.
- Sec. 16.29-15.6. Definitions—Persons Who are Members under Section 8.507 of the Charter and Who Were Excluded from Membership Prior to January 8, 1932.
- Sec. 16.29-15.7. Definitions—Persons Who are Members under Section 8.507 of the Charter and Who Were Excluded from Membership Prior to September 14, 1942.
- Sec. 16.29-15.8. Definitions—Persons Who are Members under Section 8.507 of the Charter and Who Were Excluded Because of Employment in the Emergency Relief Administration, County Division.
- Sec. 16.29-15.9. Definitions—Persons Who are Members under Section 8.507 of the Charter or Who Retired under Section 8.507 after May 23, 1960 Excluded from Membership Because of Provisions of Section 16626 of Education Code of the State of California.
- Sec. 16.29-15.10. Definitions—Employees of the Health Service System Prior to December 1, 1940.
- Sec. 16.29-15.11. Definitions—Excluded Because of Employment in Temporary Position.
- Sec. 16.29-15.12. Definitions—Prior Service in a Part-Time Position.

- Sec. 16.29-16. Definitions—Regular Interest.
- Sec. 16.29-17. Definitions—Retirement Allowance.
- Sec. 16.29-18. Definitions—Retirement Fund.
- Sec. 16.29-19. Definitions—Retirement System or System.
- Sec. 16.29-20. Definitions—School Department.
- Sec. 16.29-21. Definitions—Teacher.
- Sec. 16.29-22. Definitions—Charter.
- Sec. 16.29-23. Definitions—Gender and Number.
- Sec. 16.30. Elimination of Charter Provision Excluding Remuneration Exceeding Five Hundred Dollars.
- Sec. 16.30-1. Meaning of “Average Final Compensation.”
- Sec. 16.31. Option of System Member to Exclude Portion of Salary.
- Sec. 16.32. Benefits Not Subject to Garnishment, etc., and Are Nonassignable.
- Sec. 16.33. Compensation for Witnesses Appearing Before Board.
- Sec. 16.34. Time to Apply for Benefits after Death of Member.
- Sec. 16.35. Rehearings—Application and Grounds for Filing.
- Sec. 16.36. Rehearings—Determination when Application is Deemed Denied.
- Sec. 16.37. Powers and Duties Generally of Retirement Board.
- Sec. 16.37-1. Interest and Contributions.
- Sec. 16.37-2. Actuarial Valuation.
- Sec. 16.37-3. Records as to Accumulated Contributions.
- Sec. 16.37-4. Fixing Benefits, Allowances for Disability, etc.
- Sec. 16.37-4.1. Determination of Service Credit for Certain Employees of the San Francisco Unified School District.
- Sec. 16.37-5. Prior Service Credit.
- Sec. 16.37-6. Calculation of Service Credit.
- Sec. 16.37-7. Calculation of Service Credit Based on Part-time Services.
- Sec. 16.37-8. Excess Retirement Benefits.
- Sec. 16.37-9. Power to Issue Subpoenas.
- Sec. 16.38. Estimates by Board of Length of Service, etc.
- Sec. 16.39. San Francisco City and County Employees’ Retirement Fund.
- Sec. 16.40. Transfer of Other Funds and Records.
- Sec. 16.41. Controller’s Annual Audit.
- Sec. 16.42. Persons Included in System.
- Sec. 16.43. Persons Excluded from System.
- Sec. 16.43-1. Prior Service Credit; Employees on Hetch Hetchy Project.
- Sec. 16.44. Department Head to Notify of Change of Status of Members.
- Sec. 16.45. Duties Generally of Members and Beneficiaries.
- Sec. 16.46. When Membership Ceases.
- Sec. 16.47. Withdrawals and Redeposits.
- Sec. 16.48. Payments after Re-Entry into System.
- Sec. 16.49. Benefits to Members under Prior Systems Continued.
- Sec. 16.50. Contributions of Firemen and Policemen Employed before January 8, 1932.
- Sec. 16.51. Computation of Normal Rates of Contribution.

- Sec. 16.52. Effects of Change of Police or Fire Department Member to Another Department.
- Sec. 16.53. Normal Rates for Young and Old Members.
- Sec. 16.54. Deduction of Members' Contributions; Acceptance of Cash Payments.
- Sec. 16.55. Additional Contributions.
- Sec. 16.55-1. Definition of "Public Service."
- Sec. 16.55-2. Election to Contribute and Receive Credit for Public Service.
- Sec. 16.55-3. Contributions for Public Service Credit.
- Sec. 16.55-4. Credit in Retirement System for Public Service.
- Sec. 16.55-5. Rules and Regulations.
- Sec. 16.56. Withdrawal of Accumulated Additional Contributions Made Pursuant to Section 16.55-5.
- Sec. 16.57. Contributions, etc., of Members Earning More than Five Hundred Dollars per Month Prior to November 1, 1949.
- Sec. 16.58. Payment of Death Benefits before Decedent Paid in Total Amount Due under Optional Payments.
- Sec. 16.59. Additional Amounts to be Paid by Members Not Exercising Option Provided by Section 16.31.
- Sec. 16.60. Effect of Death of Member before Payments under Optional Plans.
- Sec. 16.61. Determination of Members' Contributions and Payment by City of Equal Amount.
- Sec. 16.62. City Contributions from Former Police Fund.
- Sec. 16.63. City Contributions for Prior Service.
- Sec. 16.64. City Contributions for Administrative Costs of System.
- Sec. 16.65. Certification and Charge for Benefits Not Provided by Members' Contributions; Ratification of Prior Payments; Retention of Unallocated Contributions.
- Sec. 16.66. Contributions for Workers' Compensation.
- Sec. 16.67. Payments into Fund Made Obligation of City; Appropriations to Cover Obligation.
- Sec. 16.68. Service Retirement.
- Sec. 16.69. Retirement Age for Members under Section 8.509 of the Charter.
- Sec. 16.70. Allowances upon Retirement for Service.
- Sec. 16.70-1. Optional Allowances upon Retirement.
- Sec. 16.70-2. Compulsory Retirement.
- Sec. 16.70-3. Retirement after 3/31/66 under Paragraph (b) of Section 16.70-1.
- Sec. 16.70-4. Allowance Payable for Time Commencing 7/1/74.
- Sec. 16.71. Disability Retirement—Medical Grounds.
- Sec. 16.72. Disability Retirement—Allowances upon Disability Retirement Period.
- Sec. 16.73. Disability Retirement—Allowances upon Disability Retirement Prior to July 1, 1947.

- Sec. 16.74. Disability Retirement—Medical Examinations; Re-Entry into Service; Engaging in Gainful Occupation after Retirement Period.
- Sec. 16.75. Optional Modifications of Allowances.
- Sec. 16.76. Method of Payment of Allowances.
- Sec. 16.77. Position in City Service Not Permitted after Retirement; Exceptions.
- Sec. 16.78. Increase in Allowances for Persons Retiring Under Provisions of Section 8.509 of the Charter.
- Sec. 16.79. Beneficiaries.
- Sec. 16.80. Death Benefits.
- Sec. 16.80-1. Death after Retirement—Persons Retired Prior to April 1, 1966.
- Sec. 16.80-2. Death after Retirement—Persons Retired Prior to April 1, 1966.
- Sec. 16.80-3. Death after Retirement—Persons Retired Prior to April 1, 1966, who Died Prior to Effective Date of Section 16.80-1.
- Sec. 16.80-4. Retirement Allowance under Optional Payment Plan No. 2 or No. 3.
- Sec. 16.80-5. Death after Retirement—Allowances Payable Without Modification or Pursuant to Options 1 or 2.
- Sec. 16.80-6. Death after Retirement—Continuation to Surviving Spouse of Female Member.
- Sec. 16.80-6.1. Death after Retirement—Continuation to Husband of Retired Female Member who Died Prior to Effective Date of Section 16.80-6.
- Sec. 16.80-7. Retirement Allowance of Female with Surviving Spouse.
- Sec. 16.81. Benefits under Workers' Compensation Act and Public Employees' Retirement System.
- Sec. 16.82. Records and Accounts to be Kept on Risks.
- Sec. 16.83. Medical and Hospital Service.
- Sec. 16.84. Effect of Compensation Benefits on Other Benefits under Article.
- Sec. 16.85. Policemen and Firemen Incapacitated With Heart Trouble or Pneumonia— When Presumed Contracted in Course of Employment.
- Sec. 16.86. Policemen and Firemen Incapacitated with Heart Trouble or Pneumonia— Application to Members with Five or More Years of Service.
- Sec. 16.87. Waiver of Pensions—Signing and Filing; Effective Date; Waiver Forms.
- Sec. 16.88. Waiver of Pensions—Deposit of Waiver Payments in General Fund; Persons Waiving to Remain under Retirement Regulations.
- Sec. 16.88-1. Conditions under Section 210(L) of Federal Social Security Act.
- Sec. 16.88-2. Member's Option.
- Sec. 16.88-3. Member Covered under Federal Social Security.
- Sec. 16.88-4. Member's Right to Reduce Contributions.

- Sec. 16.88-5. Allowance Reduced.
- Sec. 16.88-6. Effective Date of Coverage under Social Security Retroactive.
- Sec. 16.88-7. Retirement before Minimum Age under Social Security.
- Sec. 16.89. Fees for Medical Examinations.
- Sec. 16.89-1. Medical Examinations of Applicants for Entrance Positions in Uniformed Forces of Police and Fire Departments.
- Sec. 16.89-2. Physical Examinations Required, Members of the Uniformed Forces of the Police and Fire Departments.
- Sec. 16.89-3. Purpose.
- Sec. 16.89-4. Persons Affected.
- Sec. 16.89-5. Election by Person Who "Vested."
- Sec. 16.89-6. Health Service System Coverage.
- Sec. 16.89-7. Death Benefit.
- Sec. 16.89-8. Health Service System Coverage—Post 6/30/72 Teachers.
- Sec. 16.89-9. Election for Refund—Benefits for Credited Service.
- Sec. 16.89-10. Funds to be Deposited with State Teachers' Retirement System.
- Sec. 16.89-11. Service Credit—Post 6/30/72 Teachers.
- Sec. 16.89-12. Permanent Fund Benefit.
- Sec. 16.89-13. Authority of General Manager.
- Sec. 16.89-14. Redeposit.

ARTICLE IV-A RESIGNATIONS OF CITY OFFICERS

- Sec. 16.89-15. Method of Resignation.
- Sec. 16.89-16. Effective Date.
- Sec. 16.89-17. Vacancy of Office.
- Sec. 16.89-18. Temporary Service.

ARTICLE V SALARY AND WAGE DEDUCTIONS

- Sec. 16.90. Controller Authorized to Deduct.
- Sec. 16.91. Procedure for Administering Article.
- Sec. 16.92. Fees for Collection of Deductions; Payment of Balance to Particular Organization.
- Sec. 16.93. Organizations for Which Deductions Can be Made.

ARTICLE VI TRAVEL EXPENSES

- Sec. 16.94. Travel Allowances for Employees Living in City and County and Working Outside City and County.
- Sec. 16.95. Employees Living Outside City and County Assigned to Duty Outside City and County.

Sec. 16.96. Method of Fixing Rate of Travel Allowance.

ARTICLE VII RESIDENCE REQUIREMENTS

- Sec. 16.98. Requirements for Persons Entering Service.
Sec. 16.99. Residence During Employment.
Sec. 16.99-1. Residence During Employment—When Preappointment
Residence Requirement Waived.
Sec. 16.99-2. Residence During Employment—Employee Resident at Time of
Appointment.
Sec. 16.99-3. Residence During Employment—Both Spouses Employed by
City and County but Duties Outside City and County.
Sec. 16.99-4. Residence During Employment—Civil Service Rights Not
Affected.
Sec. 16.99-5. Resident Defined.
Sec. 16.99-6. Residence During Employment—Exceptions.
Sec. 16.100. Waiver of Requirements of Sections 16.98 and 16.99.
Sec. 16.101. Appointment of Nonresidents for Work Outside City and
County.
Sec. 16.101-1. Nonresident Civil Service Employees Right to Compete in
Promotional Examinations.
Sec. 16.102. Temporary Absences from City and County Not a Violation.
Sec. 16.103. Authority to Live Outside City and County.
Sec. 16.104. Effect on Nonresidents under Authority Granted before
Effective Date of Article.
Sec. 16.105. Certification as to Residency on Timerolls; Statement to be
Filed Semiannually.
Sec. 16.106. Compliance with Article by September 30, 1960.
Sec. 16.107. Violations of Article.

ARTICLE VIII EMPLOYEE SUGGESTION PROGRAM

- Sec. 16.108. Purpose.
Sec. 16.109. Definitions.
Sec. 16.110. Responsibilities of Department Head.
Sec. 16.111. Departmental Administrator; Duties.
Sec. 16.112. Department Suggestion Committee; Members; Duties;
Meetings; and Joint Department Suggestion Committee.
Sec. 16.113. Central Suggestion Committee; Members; Duties; Staff Support;
Meetings; and Department Commendations.
Sec. 16.114. Eligibility for Award or Commendation; New Suggestion;
Waiver of Claim; and Line of Duty.
Sec. 16.115. Commendations and Award; Amount of Award;
Commendation; Reconsideration; and Compensation.

- Sec. 16.116. Procedure for Submittal and Review of Suggestions; "Receipt"; Submission Procedures; Confidentiality; Referral; Action by Department Suggestion Committee; Action by Department Head; and Central Suggestion Committee Action.
- Sec. 16.117. Employee Suggestion Award Fund.

ARTICLE VIII-A ACCIDENT PREVENTION

- Sec. 16.121-1. Purpose of Article.
- Sec. 16.121-2. Central Safety Committee; Members; Procedure.
- Sec. 16.121-3. Central Safety Committee; Powers and Duties.
- Sec. 16.121-4. Chief Administrative Officer; Powers and Duties.
- Sec. 16.121-5. Powers of City and County Officers Not Divested.

ARTICLE IX BONDING OF CITY OFFICERS AND EMPLOYEES

DIVISION 1 BLANKET BOND FOR ALL EMPLOYEES

- Sec. 16.122. All Employees to be Bonded by Blanket Bond.
- Sec. 16.123. To be Payable to City and County.
- Sec. 16.124. Bond to Inure to Benefit of City and County; Suit on Bond.
- Sec. 16.125. Surety to be Authorized to Do Business in State.
- Sec. 16.126. Term of Bond.
- Sec. 16.127. Conditions of Bond.
- Sec. 16.128. Obligation of Surety; Limit of Liability.
- Sec. 16.129. Premium to be Paid by City and County.
- Sec. 16.130. Approval of Bond by City Attorney and Controller.
- Sec. 16.131. Filing and Custody of Bond.
- Sec. 16.132. Bond to be Available for Public Inspection; Recording.
- Sec. 16.133. Termination or Cancellation of Bond.
- Sec. 16.134. Applicability of State Law.

DIVISION 2 BONDS OF OFFICERS REQUIRED BY CHARTER OR GENERAL STATUTES OF THE STATE TO BE BONDED

- Sec. 16.136. Officers Required to be Bonded.
- Sec. 16.136-1. Enumeration of Officers and Amount of Bonds.
- Sec. 16.137. Applicability of State Statutes.
- Sec. 16.138. Term and Renewal of Bond.
- Sec. 16.139. Premiums to be Paid by City and County; Limitation on Amount of Premiums.
- Sec. 16.140. Approval of Bonds.
- Sec. 16.141. Recordation of Bonds.

- Sec. 16.142. Filing and Custody of Bonds; New Bond or Renewal to be Filed Prior to Expiration.
- Sec. 16.143. Rules and Regulations.

DIVISION 3
BONDS OF OFFICERS NOT SPECIFICALLY REQUIRED BY CHARTER
TO BE BONDED

- Sec. 16.144. Officers to be Bonded by Blanket Bond.
- Sec. 16.145. To be Payable to City and County.
- Sec. 16.146. Surety to be Authorized to Do Business in State.
- Sec. 16.147. Term of Bond.
- Sec. 16.148. Conditions of Bond.
- Sec. 16.149. Obligation of Surety; Limit of Liability.
- Sec. 16.150. Premium to be Paid by City and County.
- Sec. 16.151. Approval of Bond by City Attorney and Controller.
- Sec. 16.152. Recordation of Bond.
- Sec. 16.153. Filing and Custody of Bond.
- Sec. 16.154. Applicability of State Statutes.
- Sec. 16.155. Termination and Cancellation of Bond.
- Sec. 16.156. Individual Bond of Officer.
- Sec. 16.157. Health Service System; Changes.

ARTICLE X
CITIZENS AWARD COMMITTEE

- Sec. 16.160. Committee Membership.
- Sec. 16.161. Selection Panel.
- Sec. 16.162. Design of Award and Cash Emolument.
- Sec. 16.163. Recommendations for Award.
- Sec. 16.164. Awards Made by Mayor.
- Sec. 16.165. Awards Fund.
- Sec. 16.166. Rules and Regulations.

ARTICLE XI
DISABILITY BENEFITS

- Sec. 16.170. Entitlement Defined.
- Sec. 16.171. Disability Benefits for Ambulance Drivers and Medical Stewards.
- Sec. 16.175. Disability Benefits for District Attorney Investigators.

ARTICLE XI-A
EMPLOYEE RELATIONS ORDINANCE

- Sec. 16.200. Title of Ordinance.
- Sec. 16.201. Statement of Purpose.
- Sec. 16.202. Definitions.

- Sec. 16.203. Employee Relations Division.
- Sec. 16.204. Powers and Duties of the Civil Service Commission.
- Sec. 16.205. Utilization of Administrative Law Judges.
- Sec. 16.206. Management Rights.
- Sec. 16.207. Employee Rights.
- Sec. 16.208. Designation of Management, Supervisory and Confidential Employees.
- Sec. 16.209. Procedure for Registration of Employee Organizations.
- Sec. 16.210. Establishment of Representation Units.
- Sec. 16.211. Procedure for Recognition of Employee Organization.
- Sec. 16.212. Decertification.
- Sec. 16.213. Unfair Labor Practices.
- Sec. 16.214. Sanctions for Unfair Labor Practices.
- Sec. 16.215. Meeting and Conferring in Good Faith.
- Sec. 16.216. Impasse Procedures.
- Sec. 16.217. Disputes Concerning Memorandums of Understanding.
- Sec. 16.218. Grievances.
- Sec. 16.219. Employees Meeting on City and County Time.
- Sec. 16.220. Dues Deduction.
- Sec. 16.222. Separability.

ARTICLE XI-B EMPLOYEE DEFERRED COMPENSATION PLAN

- Sec. 16.301. Establishment of a Deferred Compensation Plan.
- Sec. 16.302. Purpose.
- Sec. 16.320. Administration by Retirement Board.
- Sec. 16.326. No Cost to City and County.

ARTICLE XII MUNICIPAL ELECTION CAMPAIGN CONTRIBUTION CONTROL

- Sec. 16.501. Purpose and Intent.
- Sec. 16.502. Citation.
- Sec. 16.503. Definitions.
- Sec. 16.504. Adoption of General Law—Exceptions.
- Sec. 16.505. Campaign Contribution Trust Account—Establishment.
- Sec. 16.506. Campaign Statements—Public Inspection and Copymaking.
- Sec. 16.507. Campaign Statements—Retention.
- Sec. 16.508. Campaign Contributions—Limitations.
- Sec. 16.509. Municipal Run-Off Election.
- Sec. 16.509-1. Post-Election Legal Proceedings.
- Sec. 16.510. Solicitation or Acceptance of Campaign Contributions—Limitations.
- Sec. 16.512. Duties of Registrar of Voters.
- Sec. 16.513. Duties of Enforcement Authority.
- Sec. 16.514. District Attorney—Complaints, Legal Action, Investigatory Powers, City Attorney Advice.

- Sec. 16.515. Penalties.
- Sec. 16.516. Effect of Violation on Outcome of Election.
- Sec. 16.517. Effect of Violation on Certification of Election Results.
- Sec. 16.518. Rules of Construction.
- Sec. 16.519. Severability.

ARTICLE XIII ELECTION OF MEMBERS OF RETIREMENT BOARD

- Sec. 16.550. Purpose.
- Sec. 16.551. Retirement Board to Order Elections.
- Sec. 16.552. Dates of Election.
- Sec. 16.553. Notice to Members; Nomination of Members.
- Sec. 16.554. Notice to Registrar.
- Sec. 16.555. Notice to Department; Appointment of Election Officers.
- Sec. 16.556. Instructions to Election Officers.
- Sec. 16.557. Delivery of Ballots and Names of Eligible Voters to Registrar.
- Sec. 16.558. Ballots to Contain Instructions for Voting.
- Sec. 16.559. Ballots to be Placed in Addressed Envelopes; Extra Ballots.
- Sec. 16.560. Delivery of Ballots and Instructions to Election Officers.
- Sec. 16.561. Duties of Election Officers.
- Sec. 16.562. Duty of Payroll Department.
- Sec. 16.563. Counting of Ballots and Certification of New Member.
- Sec. 16.564. Retirement Board to Reimburse Registrar.

ARTICLE XIV ASSASSINATION SURVIVORSHIP FUND

- Sec. 16.600. Findings.
- Sec. 16.601. Definitions.
- Sec. 16.602. Establishment of a Special Survivorship Fund.
- Sec. 16.603. Order of Payment to Survivors.
- Sec. 16.604. Payment Procedure, Schedule and Amount.
- Sec. 16.605. Termination of Payments.
- Sec. 16.606. Allocation of Funds to Children.
- Sec. 16.607. Appropriation of Additional Funds.
- Sec. 16.608. Severability Clause.

ARTICLE XV HEALTH SERVICE SYSTEM

- Sec. 16.700. Membership.

ARTICLE I IN GENERAL

SEC. 16.1. MILITARY LEAVES — PAYMENT OF SALARIES FOR THIRTY-DAY PERIOD. Any officer or employee of the City and County or any

non-certificated officer or employee of the Unified School District, of the City and County who, in accordance with the rules of the Civil Service Commission, is granted military leave for service in the Armed Forces of the United States or the state and who has been in the employ of the City and County or the Unified School District for a period of not less than one year continuously prior to the date upon which such military leave begins, shall be granted his regular salary or compensation while on such leave for a period not to exceed 30 calendar days in any fiscal year nor for more than 30 calendar days in any period of continuous military leave.

The Civil Service Commission is authorized to adopt and enforce rules and regulations to carry out the meaning and intent of this Section. (Ord. No. 6285 (1939), Secs. 1, 2)

SEC. 16.2. MILITARY LEAVES — AUTHORIZED FOR SEA DUTY ABOARD GOVERNMENT OPERATED SHIPS. Pursuant to the provisions of Section 8.361 of the Charter, and subject to rules of the Civil Service Commission, leaves of absence shall be granted to officers and employees of the City and County and to noncertificated officers and employees of the Unified School District for sea duty as licensed officers aboard ships operated by or for the United States government. The duration of such leaves of absence, under such Civil Service Commission rules, shall be limited to the period of any emergency declared by the president of the United States or by the Congress, or to the life of any act authorizing compulsory military service or training. (Ord. No. 6644 (1939), Sec. 1)

SEC. 16.3. DESIGNATION OF STATE LEGISLATIVE REPRESENTATIVE. The Board of Supervisors does hereby delegate to the Mayor authority to appoint, on a full-time basis, a state legislative representative for the City and County. The appointment of such representative shall be subject to ratification by the Board of Supervisors. The various policies and programs proposed by the Mayor for execution by such legislative representative shall be subject to approval by the Board of Supervisors. (Res. No. 4264 (1939))

SEC. 16.3-1. DESIGNATION OF FEDERAL LEGISLATIVE REPRESENTATIVE. The Board of Supervisors does hereby delegate to the Mayor authority to appoint, on a full-time basis, a federal legislative representative for the City and County, provided that funds are available for such purpose. The appointment of such representative shall be subject to ratification by the Board of Supervisors, and the various policies and programs proposed by the Mayor for execution by such federal legislative representative shall be subject to approval by the Board of Supervisors; provided, however, that, in matters requiring immediate action, the Mayor may direct the federal legislative representative to execute a certain policy or program which shall become the policy or program of the City and County unless and until the Board of Supervisors shall adopt a resolution contrary thereto. (Res. No. 491-58)

SEC. 16.3-3. PUBLIC GUARDIAN DESIGNATED — QUALIFICATION FOR SERVICES. (a) Pursuant to the provisions of Section 5176 of the Welfare and Institutions Code of the State of California, the Public Administrator is hereby designated ex officio Public Guardian.

(b) Neither the amount of funds, nor value of an estate, of any person who qualifies for the services of the Public Guardian under Section 8006 of the Welfare and Institutions Code of the State of California may serve as the basis for determining whether the Public Guardian will make application for appointment as guardian of such person pursuant to said section. (Amended by Ord. 281-81, App. 5/29/81)

SEC. 16.3-5. ATTORNEY FOR PUBLIC GUARDIAN. The attorney for the Public Administrator, appointed pursuant to Section 3.510 of the Charter, shall be the attorney for the ex officio Public Guardian. (Added by Ord. 383-60, App. 7/19/60)

SEC. 16.3-6. ADMINISTRATIVE OFFICER FOR VETERANS' INTERMENT DESIGNATED. The Coroner is hereby designated as Administrative Officer to arrange for the decent interment of veterans and veterans' widows pursuant to the provisions of Division 4, Chapter 5, Article 2 of the Military and Veterans Code of the State of California. (Added by Ord. 124-61, App. 6/1/61)

SEC. 16.3-7. CONSOLIDATION OF DUTIES OF THE COUNTY AGRICULTURAL COMMISSIONER AND THE SEALER OF WEIGHTS AND MEASURES. The duties of the County Agricultural Commissioner and the Sealer of Weights and Measures are hereby consolidated and the County Agricultural Commissioner in addition to his own duties shall succeed to the duties of the Sealer of Weights and Measures. (Added by Ord. 108-72, App. 4/26/72)

SEC. 16.3-8. ENFORCEMENT OF LITTERING LAWS. (a) The classes of officers or employees of the City and County of San Francisco hereinbelow set forth shall have the duty of enforcing those provisions of State law of the San Francisco Municipal Code which relate to the littering of private or public property, including, but not limited to, streets, sidewalks, parks, squares or recreation areas within said City and County, the removal or abatement of any such litter from said private or public property or the unauthorized use of litter receptacles.

Classification No.	Class Title
3130	Arboretum Director
3208	Pool Lifeguard
3210	Head Lifeguard
3230	Golf Director
3234	Harbormaster
3287	Assistant Recreation Supervisor
3289	Recreation Supervisor
3291	Principal Recreation Supervisor
3322	Assistant Head Animal Keeper
3324	Head Animal Keeper
3340	Zoo Director
3422	Park Section Supervisor
3432	Assistant Director, Arboretum

3440	Landscaping and Street Planting Supervisor
3462	Assistant Director, Golf Course Maintenance
3464	Area Supervisor, Parks, Squares and Facilities
3466	Assistant Superintendent, Parks, Squares and Facilities
5170	Superintendent, Street Cleaning and Tree Planting
5173	Assistant Superintendent, Street Cleaning and Tree Planting
6120	Environmental Health Inspector
6122	Senior Environmental Health Inspector
6124	Principal Environmental Health Inspector
6126	Chief, Bureau of Environmental Health Services
6127	Assistant Chief, Bureau of Environmental Health Services
6230	Street Inspector
6231	Senior Street Inspector
6232	Street Inspector, Supervisor
7281	Street Cleaning General Foreman
8214	Parking Controlman
H4	Inspector, Bureau of Fire Prevention and Public Safety
H22	Lieutenant, Bureau of Fire Prevention and Public Safety
H32	Captain, Bureau of Fire Prevention and Public Safety
H40	Battalion Chief, Fire Department
H50	Assistant Chief, Fire Department

(b) In the enforcement of said provisions the classes of officers and employees set forth in Subsection (a) hereof shall utilize, where appropriate, the procedure as prescribed by Section 836.5 and Chapter 5C (commencing with Section 853.6) of Title 3, Part 2, of the Penal Code of the State of California. (Added by Ord. 352-84, App. 8/8/84)

SEC. 16.4. SATURDAY CLOSING OF CITY OFFICES. The offices of the City and County named in this Section shall be closed on Saturday of each week during the year, with the exceptions and qualifications herein indicated:

Airport (general office only).
 Art Commission.
 Art Museum.
 Assessor.
 Chief Administrative Officer.
 City Attorney.
 City Planning Commission.
 Civil Service Commission.
 Controller.
 County Clerk.
 Disaster Council and Disaster Corps.

District Attorney (Juvenile Court offices only).
Education, Board of (offices County Board of Education and County Superintendent of Schools).
Electricity, Department of, except Fire Alarm Office.
Finance and Records, Director of.
Fire Department (general office only).
Hetch Hetchy Project.
Mayor.
Municipal Government Survey Advisory Committee.
Municipal Railway (general offices only).
Parking Authority, upon the approval of such authority.
Permit Appeals, Board of.
Public Administrator.
Public Health Department (central office only).
Public Utilities Commission, Bureau of Personnel and Safety.
Public Utilities Commission, Bureau of Public Service and Employees' Relations.
Public Utilities Commission (general office).
Public Utilities Commission, Light, Heat and Power Bureau.
Public Works Department.
Purchasing Department.
Real Estate Department, except Civic Auditorium.
Recorder.
Recreation and Park Department, except Kezar Stadium and Pavilion.
Redevelopment Agency, upon the approval of such agency.
Registrar of Voters.
Retirement System.
Sheriff (Civil Department only).
Social Services Department.
Supervisors, Board of.
Tax Collector.
Treasurer.
War Memorial.
Water Department.
Weights and Measures, Department of.

If the head of any office set forth in this Section determines that the opening of the office is necessary on any certain Saturday morning for the performance of essential public services, such head person may apply to the Board of Supervisors, and on its prior approval by resolution, may direct that such office remain open with only such personnel present as he or she may deem necessary. (Ord. No. 6896 (1939), Sec. 1)

SEC. 16.5. SPECIAL MEETINGS OF BOARDS AND COMMISSIONS. Special meetings of any board or commission provided for by the Charter, other than the Board of Supervisors, may be called at any time by the presiding officer thereof or by a majority of the members thereof, by delivering personally or

by mail written notice to each member of the board or commission and to each local newspaper of general circulation, radio or television station requesting notice in writing.

Such notice must be delivered personally or by mail at least 24 hours before the time of such meeting as specified in the notice.

The call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings by the board or commission.

Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the secretary of the board or commission a written waiver of notice. Such waiver may be given by telegram.

Such written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Each special meeting shall be held at the regular meeting place of the board or commission, except that, in case of emergency, the board or commission by written resolution may designate some other appropriate place as its temporary meeting place. (Amended by Ord. 4-71, App. 1/4/71)

SEC. 16.5-1. BOARDS AND COMMISSIONS — PUBLIC TESTIMONY. Each board and commission provided for by the Charter, other than the Board of Supervisors, shall permit public testimony at each of its public meetings, whether regular or special. Each such board or commission shall adopt rules providing in part, that each person desiring to speak on an item before the body shall be heard once for not less than three minutes. (Added by Ord. 364-80, App. 8/7/80)

SEC. 16.6. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — MEMBERSHIPS IN ORGANIZATIONS AUTHORIZED. In the interest and for the benefit of the City and County, the following departments and their duly authorized officers and employees are hereby authorized to acquire and maintain membership in organizations as hereinafter designated, and to represent the City and County in such organizations.

SEC. 16.6-1. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — BOARD OF SUPERVISORS.

County Supervisors Association of California.

National Association of Counties.

International Institute of Municipal Clerks.

National League of Cities.

League of California Cities.

County Clerks Association of California.

Municipal Finance Officers Association.

(Amended by Ord. 153-76, App. 4/30/76)

SEC. 16.6-2. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — MAYOR.

Unites States Conference of Mayors.

Municipal Finance Officers Association.

League of California Cities.
American Municipal Association.

(Amended by Ord. 5142 (Series of 1939), App. 9/8/48)

SEC. 16.6-2.1. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — MAYOR, COMMISSION ON THE STATUS OF WOMEN.

National Association of Commissions on the Status of Women.

(Added by Ord. 193-76, App. 6/25/76)

SEC. 16.6-3. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — ASSESSOR.

National Association of Assessing Officers.

American Institute of Real Estate Appraisers.

American Institute of Real Estate Appraisers, Northern California Chapter.

(Amended by Ord. 179-70, App. 6/3/70)

SEC. 16.6-4. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — CITY ATTORNEY.

National Institute of Municipal Law Officers.

League of California Cities.

State Bar of California.

County Counsels Association of California.

American Association of Law Libraries.

(Amended by Ord. 34-75, App. 2/14/75)

SEC. 16.6-5. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — HETCH HETCHY WATER SUPPLY, POWER AND UTILITIES ENGINEERING BUREAU.

San Francisco Committee on Corrosion.

Western Snow Conference.

American Water Works Association.

Keep California Green, Inc.

American Public Power Association.

(Amended by Ord. 193-67, App. 7/18/67)

SEC. 16.6-6. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — FIRE DEPARTMENT.

California Fire Chiefs' Association.

International Association of Fire Chiefs.

International Conference of Building Officials.

National Fire Prevention Association.

National Fire Protection Association.

Pacific Coast Association of Fire Chiefs.

Peninsula Fire Chiefs' Association.

(Amended by Ord. 41-66, App. 3/3/66)

SEC. 16.6-7. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — JUVENILE COURT.

California Association for Health and Welfare.
California Probation, Parole and Correctional Association.
Chief Probation Officers of California.
National Conference on Social Welfare.
National Council on Crime and Delinquency.
Western Probation, Parole and Correctional Association.

(Amended by Ord. 11-63, App. 1/22/63)

SEC. 16.6-8. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — REAL ESTATE DEPARTMENT.

San Francisco Real Estate Board.
American Institute of Real Estate Appraisers of the National Association of Real Estate Boards.
Northern California Chapter No. 11, American Institute of Real Estate Appraisers.
International Association of Auditorium Managers.
American Right of Way Association.
Society of Residential Appraisers.
(Amended by Ord. 167-63, App. 7/3/63)

SEC. 16.6-9. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — DEPARTMENT OF PUBLIC WORKS.

Air Pollution Control Association.
American Concrete Institute.
American Public Works Association.
American Society for Testing and Materials.
American Society of Civil Engineers.
California Chapter, International Conference of Building Officials.
California Water Pollution Control Association.
Certified Boiler and Elevator Inspectors.
Construction Specifications Institute.
Government Refuse Collection and Disposal Association.
Highway Research Board.
Institute of Traffic Engineers.
International Association of Electrical Inspectors.
International Association of Plumbing and Mechanical Officials.
International Conference of Building Officials.
International Shade Tree Conference.
National Association of Housing and Redevelopment Officials.
National Fire Protection Association.
National Safety Council.
Northern California Chapter, American Institute of Architects.
Pacific Southwest Regional Council, National Association of Housing and Redevelopment Officials.
Pre-Stress Concrete Institute.
San Francisco Committee on Corrosion.

Seismological Society of America.
Structural Engineers Association of Northern California.
Water Pollution Control Federation.

(Amended by Ord. 22-66, App. 2/4/66)

SEC. 16.6-9.1. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — DEPARTMENT OF PUBLIC WORKS (CONTINUED).

Association of Asphalt Paving Technologists.
Association of Metropolitan Sewerage Agencies.
California Information Center for Community Development, Inc.
County Engineers Association of California.

(Amended by Ord. 128-81, App. 3/19/81)

SEC. 16.6-10. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — DEPARTMENT OF PUBLIC HEALTH.

American College of Hospital Administrators.
American College of Physicians.
American Correctional Health Services.
American Hospital Association.
American Medical Association.
American Psychiatric Association.
American Public Health Association.
American Trauma Society.
Association of Western Hospitals.
Bay Area County Alcohol Programs.
California Association of County Drug Administrators.
California Association of Hospital Admitting Managers.
California Association of Homes for the Aging.
California Association of Nutrition Directors for the Elderly.
California Association of Public Hospitals.
California Association of Rehabilitation Facilities.
California Conference of Local Health Directors.
California Association for Adult Day Services (CAADS).
California County Collectors Association.
California Hospital Association.
California Coalition of Rape Crisis Centers.
California Society of Municipal Finance Officers.
Coalition of Agencies Serving the Elderly.
Council of Urban Health Providers.
County Alcohol Program Administrators Association of California.
National Association of Public Hospitals.
National Association for City Drug Coordination.
National Council of Community Mental Health Centers.
National Family Planning and Reproductive Health Association.
National Organization for Victims Assistance.
National American Association of Alcoholism Programs.
San Francisco County Medical Society.

San Francisco Hospital Association.
U.S. Conference of City Health Officers.
Western Gerontological Society.

(Amended by Ord. 453-86, App. 11/20/86; Ord. 80-87, App. 3/20/87)

SEC. 16.6-11. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — SOCIAL SERVICES.

American Public Welfare Association.
California Conference of Social Welfare.
National Conference of Social Work.
County Welfare Directors Association of California.

(Added by Ord. 4942 (Series of 1939), App. 4/15/48)

SEC. 16.6-12. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — CONTROLLER.

American Payroll Association.
California Society of Certified Public Accountants.
California Society of Municipal Finance Officers.
EDP (Electronic Data Processing) Auditors Association.
Government Finance Officers Association of the United States and Canada.
Institute of Internal Auditors.

(Amended by Ord. 177-85, App. 4/4/85)

SEC. 16.6-13. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — CITY PLANNING COMMISSION.

American Society of Planning Officials.
American Planning and Civic Association.
American Institute of Planners.
California County Planning Commissioners Association.
League of California Cities.
National Association of Housing and Redevelopment Officials.
Tri-County Planning Council.
Urban Land Institute.

(Amended by Ord. 320-60, App. 6/16/60)

SEC. 16.6-14. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — CIVIC SERVICE.

American Management Society.
American Society for Training and Development.
Asian Pacific Personnel Association.
California Association of Affirmative Action Officers.
California Personnel Administrators Association.
County Personnel Administrators Association of California.
International Personnel Management Association.
Mechanics Institute Library.
National Association of Public Sector Equal Employment Opportunity Officers.
Northern California Human Resources Council.

Personnel Management Association of Aztlan.
(Amended by Ord. 560-85, App. 12/27/85)

SEC. 16.6-15. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — PARKING AUTHORITY.

The International Municipal Parking Congress.
(Amended by Ord. 3-62, App. 1/4/62)

SEC. 16.6-16. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — RECREATION AND PARK DEPARTMENT.

American Association of Health and Physical Education.
American Association of Museums.
American Association of Botanical Gardens and Arboretum.
American Association of Zoological Parks and Aquariums.
American Camping Association.
American Horticultural Society.
American Institute of Park Executives.
American Recreation Society.
American Rhododendron Society.
California Association for Health and Welfare.
California Marine Parks and Harbors Association, Inc.
California Park and Recreation Society.
National Audubon Society.
National Recreation Association.
National Shade Tree Conference — Western Chapter.
National Story Tellers League.
Northern California Youth Association.
Pacific Camping Federation.
Shoreline Planning Association of California, Inc.
(Amended by Ord. 62-69, App. 2/17/69)

SEC. 16.6-17. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — PUBLIC LIBRARY.

American Association of Museums.
American Association for State and Local History.
American Catholic Historical Society
American Historical Association.
American Irish Historical Society.
American Library Association Library Dues.
American Library Association Trustees Dues.
American Management Association.
American Society for Testing and Materials.
Shiplover Society of Victoria.
Arkansas Historical Association.
Association for Recorded Sound Collections.
Astronomical Society of the Pacific.
(Amended by Ord. 196-72, App. 7/13/72)

SEC. 16.6-17.1. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — PUBLIC LIBRARY (CONTINUED).

Bibliographical Society of America.
Book Club of California.
Boston Museum of Fines Arts.
Buffalo And Erie County Historical Society.
Butte County Historical Society.
Calaveras County Historical Society.
California Historical Society.
California Library Association-Library.
California Library Association-Trustees.
California Library Authority for Systems and Services.
Champlain Society of Toronto, Canada.
Chinese Historical Society.
Conference of California Historical Societies.
M.H. DeYoung Memorial Museum.
English Folk Dance and Song Society.
Filson Club.
Fresno County Historical Society.
Friends of the Bancroft Library.
Hawaiian Historical Society.
Historical Society of Southern California.
Humboldt County Historical.
Idaho Historical Society.
Illinois State Historical Society.
International Association of Metropolitan City Libraries.
International Association of Music Libraries.
International Federation of Library Associations.
Kentucky Historical Society.
Kern Historical Society.
Limited Editions Club.

(Amended by Ord. 339-77, App. 7/21/77)

SEC. 16.6-17.2. (LIBRARY MEMBERSHIPS, CONTINUED).

Marin County Historical Society.
Mariposa County Historical Society.
Maryland Historical Society.
Michigan State Historical Society.
Museum of Modern Art.
Nantucket Historical Society.
National Association of Accountants.
National Education Association.
National Planning Association.
National Safety Council.
Nautical Research Guild.
Nebraska State Historical Society.
Nevada State Historical Society.
Nova Scotia Historical Society.

Old Dartmouth Historical Society.
Oral History Association.
Oregon Historical Society.
Organization of American Historians.

(Amended by Ord. 196-72, App. 7/13/72)

**SEC. 16.6-17.3. REPRESENTATION OF CITY AND COUNTY IN
CERTAIN ORGANIZATIONS — PUBLIC LIBRARY (CONTINUED).**

People for Space.
Placer County Historical Society.
Public Library Executives of Central California.
Puget Sound Maritime Historical Society.
Sacramento Book Club of California.
Sacramento Historical Society.
San Diego Historical Society.
San Fernando Valley Historical Society.
San Francisco Museum of Art.
San Francisco Negro History and Cultural Society.
San Mateo County Historical Society.
Santa Barbara Historical Society.
Santa Cruz Historical Society.
Shasta Historical Society.
Siskiyou County Historical Society.
Society of Architectural Historians.
Society for Asian Art.
Society for Asian Music.
Solano County Historical Society.
Special Libraries Association-Institutional.
State Historical Society of Colorado.
State Historical Society of Iowa.
State Historical Society of Missouri.
State Historical Society of Wisconsin.
Steamship Historical Society of America.
Sutter County Historical Society.
Technical Association of the Pulp and Paper Industry.
Theater Library Association.
Tuolumne County Historical Society.
Urban Library Trustees Council.
Utah State Historical Society.
Ventura County Historical Society.
Western Association of Map Libraries.
Western Governmental Research Association.
Wyoming State Historical Society.

(Amended by Ord. 196-72, App. 7/13/72)

**SEC. 16.6-17.4. REPRESENTATION OF CITY AND COUNTY IN
CERTAIN ORGANIZATIONS — PUBLIC LIBRARY (CONTINUED).**

National Urban Coalition.

Sacramento Book Collector Club.

(Added by Ord. 107-71, App. 5/7/71)

SEC. 16.6-19. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — THE FINE ARTS MUSEUMS OF SAN FRANCISCO.

American Federation of Arts.

American Association of Museums.

College Art Association.

California Historical Society.

International Council of Museums.

Western Association of Art Museums.

International Institute for Conservation of Historic and Artistic Works.

National Trust for Historic Preservation.

(Amended by Ord. 236-73, App. 6/22/73)

SEC. 16.6-20. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — MUNICIPAL RAILWAY.

American Transit Association.

National Safety Council.

Northern California Joint Pole Association.

(Amended by Ord. 41-61, App. 3/1/61)

SEC. 16.6-21. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — WATER DEPARTMENT.

American Water Works Association.

Seismological Society of the University of California.

Stockmen's Protective Association, Livermore.

The National Association of Corrosion Engineers.

Contra Costa County Walnut Growers Association.

San Francisco Committee on Corrosion.

California Farm Bureau Federation, Berkeley, California.

Bay Counties Water Problems Committee.

San Francisco Bay Area Water Users Association.

Association of Metropolitan Water Agencies.

(Amended by Ord. 51-85, App. 1/30/85)

SEC. 16.6-22. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — TREASURER.

State Association of County Treasurers.

California Inheritance Tax Appraisers Association.

(Added by Ord. 4942 (Series of 1939), App. 4/15/48)

SEC. 16.6-23. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — CHIEF ADMINISTRATIVE OFFICER.

Association of Bay Area Governments.

County Administrative Officers Association of California.

International City Management Association.

League of California Cities.

National League of Cities.

(Amended by Ord. 276-72, App. 9/28/72)

SEC. 16.6-24. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — BUREAU OF LIGHT, HEAT AND POWER.

S.F. Committee on Corrosion.

(Added by Ord. 6211 (Series of 1939), App. 8/31/50)

SEC. 16.6-25. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — DISTRICT ATTORNEY.

District Attorneys Assn.

State Peace Officers Assn.

Natl. Assn. of County & Prosecuting Attorneys.

(Amended by Ord. 10158 (Series of 1939), App. 2/27/57)

SEC. 16.6-26. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — PUBLIC UTILITIES COMMISSION.

Calif. Municipal Utilities Assn.

Calif. Personnel Management Assn.

(Amended by Ord. 7366 (Series of 1939), App. 6/10/52)

SEC. 16.6-27. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — AIRPORT.

Airport Operators Council (National).

American Association of Airport Executives (National).

California Association of Airport Executives.

National Fire Protective Association.

(Amended by Ord. 8915 (Series of 1939), App. 12/22/54)

SEC. 16.6-28. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — DEPARTMENT OF ELECTRICITY.

International Mun. Signal Assn.

Northern Chapter of Assoc. Police Communication Officers.

(Amended by Ord. 6442 (Series of 1939), App. 1/10/51)

SEC. 16.6-29. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — EMPLOYEE'S RETIREMENT SYSTEM.

International Foundation of Employee Benefit Plans, Inc.

The California Self-Insurers Association.

Council of Self-Insured Public Agencies.

Government Finance Officers' Association.

Institute of Charter Financial Analysts.

Western Pension Conference.

Council of Institutional Investors.

California Association of Public Retirement Systems.

National Conference on Public Employee Retirement Systems.

Industrial Claims Association.

Security Analysts of San Francisco.
(Amended by Ord. 162-85, App. 3/28/85)

SEC. 16.6-30. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — MUNICIPAL COURT.

The Association of Municipal Court Clerks of California, Inc.
Conference of California Judges.
National Safety Congress & Exposition.
American Judges Association.
Western Traffic Conference.
Annual California Safety Conference.
Annual Convention of California Jury Commissioners (Govt. Code 29610).
Institute of Municipal Court Judges (Govt. Code 68551).
Workshop Program, Conference of California Judges.
California Trial Judges College.

(Amended by Ord. 142-73, App. 4/12/73)

SEC. 16.6-31. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — SHERIFF.

California State Peace Officers' Association.
California State Sheriffs' Association.
National Sheriffs' Association.
National Jail Association.

(Amended by Ord. 9500 (Series of 1939), App. 1/25/56)

SEC. 16.6-32. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — ACHENBACH FOUNDATION FOR GRAPHIC ARTS (CALIFORNIA PALACE OF THE LEGION OF HONOR).

International Graphic Arts Society, Inc.
National Serigraph Society.
Print Club of Cleveland.
Print Council of America.
Print and Drawing Circle of the Art Institute of Chicago.
Print Makers Society of California.
Society of American Graphic Artists.

(Amended by Ord. 256-59, App. 5/8/59)

SEC. 16.6-33. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — FINANCE AND RECORDS.

County Tax Collectors' Association of California.
County Clerks' Association.
Recorders' Association.
Public Administrators' Association of California.
Society of American Archivists.
American Records Management Association.
Calif. Municipal Bus. Tax Assn.

(Amended by Ord. 35-72, App. 2/25/72)

SEC. 16.6-34. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — CORONER.

Calif. State Coroners Assn.

Natl. Association of Coroners.

(Amended by Ord. 8554 (Series of 1939), App. 4/30/54)

SEC. 16.6-35. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — DISASTER COUNCIL AND CORPS.

California Civil Defense and Disaster Association.

Northern California Civil Defense and Disaster Association.

Radiological Defense Officers of Northern California.

Seismological Society of America.

(Amended by Ord. 146-69, App. 4/30/69)

SEC. 16.6-35.1. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — DISASTER COUNCIL AND CORPS (CONTINUED).

U.S. Civil Defense Council.

(Amended by Ord. 312-71, App. 12/23/71)

SEC. 16.6-36. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — PUBLIC DEFENDER.

Public Defender & Legal Aid Assn.

Natl. Legal Aid Assn.

(Amended by Ord. 9099 (Series of 1939), App. 4/20/55)

SEC. 16.6-37. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — SUPERIOR COURT.

Conference of California Judges.

National Council of Juvenile Court Judges.

Metropolitan Courts Conference.

National Association of Trial Court Administrators.

Conference of Conciliation Courts.

American Judges Association.

Institute of Court Management.

National College of State Judiciary.

California Trial Judges College.

Jury Commissioners Association.

Institute of Superior Court Judges.

(Amended by Ord. 142-73, App. 4/12/73)

SEC. 16.6-38. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — PURCHASER OF SUPPLIES.

American Material Handling Society, Inc.

California State, County and Municipal Purchasing Agents' Association.

National Institute of Governmental Purchasing.

Public Fleet Supervisors Association.

Purchasing Agents' Association of Northern California.

Society of Automotive Engineers, Inc.
(Amended by Ord. 81-65, App. 4/7/65)

SEC. 16.6-39. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — ROAD COMMISSIONER.

American Public Works Assn.
(Added by Ord. 454-59, App. 8/27/59)

SEC. 16.6-40. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — AGRICULTURAL COMMISSIONER.

Coast Counties Agricultural Com. Assn.
State Assn. of County Agric. Comm.
(Amended by Ord. 222-58, App. 4/23/58)

SEC. 16.6-41. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — SEALER OF WEIGHTS AND MEASURES.

Calif. Assn. of Weights & Meas. Off.
(Added by Ord. 320-60, App. 6/16/60)

SEC. 16.6-42. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — HUMAN RIGHTS COMMISSION.

International Association of Official Human Rights Agencies.
The Northern California Association of Human Relations Directors, Inc.
(Amended by Ord. 205-70, App. 6/18/70)

SEC. 16.6-43. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — SAN FRANCISCO PORT COMMISSION.

American Section, International Association of Navigation Congresses.
American Short Line Railroad Association.
American Society for Testing and Materials.
Associations or Bureaus Authorized by or filed for approval with the Federal Maritime Commission.
California Council for International Trade.
California Marine Affairs and Navigation Conference.
Foreign American Chambers of Commerce.
Fresno Cotton Exchange.
Imported Hardwood Products Association, Inc.
International Managers Association of San Francisco.
National Association of Foreign Trade Zones.
National Defense Transportation Association.
National Fire Protection Association.
National Industrial Traffic League.
Oakland World Trade Club of the Oakland Chamber of Commerce.
Press Club of San Francisco.
Propeller Club of the USA.
Public Relations Round Table of San Francisco.
San Francisco Area World Trade Association of the San Francisco Chamber of Commerce.

San Francisco Bay Area Council.
 San Francisco Bay Area Publicity Club.
 San Francisco Junior Chamber of Commerce.
 Trade and Traffic Clubs.
 San Francisco Bay Carloading Conference.
 San Francisco Commercial Club.
 Transportation Club of San Francisco.
 United States-Japan Trade Council.
 Western Cotton Shippers Association.
 World Trade Centers Association.
 World Trade Club.

(Added by Ord. 214-74, App. 5/1/74)

SEC. 16.6-43.1. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — SAN FRANCISCO PORT COMMISSION (CONTINUED).

San Francisco Bay Area Council.
 World Trade Centers Association.
 Trade and Traffic Clubs.

(Added by Ord. 129-71, App. 5/27/71)

SEC. 16.6-44. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — HEALTH SERVICE SYSTEM.

California Council for Health Plan Alternatives.
 Municipal Finance Officers Association.
 National Foundation of Health, Welfare, and Pension Plans.

(Added by Ord. 143-70, App. 4/30/70)

SEC. 16.6-45. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — ART COMMISSION.

Associated Councils of the Arts.
 Alliance of California Arts Councils.

(Added by Ord. 466-73, App. 11/21/73)

SEC. 16.6-46. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — WAR MEMORIAL.

International Association of Auditorium Managers.

(Added by Ord. 418-82, App. 8/20/82)

SEC. 16.6-48. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — ANNUAL DUES AND EXPENSES OF MEMBERSHIP; ATTENDING MEETINGS OR CONVENTIONS. The annual dues and expenses of said memberships, and the costs of attendance at meetings of said organizations, shall be allowed and paid only when funds have been specifically appropriated for such purposes; provided, that the Board of Supervisors, by resolution certified by the Controller as to funds available, may authorize such attendance together with allowance and payment of costs thereof; and, provided further that the Chief Administrative Officer may authorize attendance at meetings in

California when funds are certified by the Controller as being legally available for such purposes within the publicity and advertising fund. (Amended by Ord. 208-64, App. 7/24/64)

SEC. 16.6-49. REPRESENTATION OF CITY AND COUNTY IN CERTAIN ORGANIZATIONS — REPRESENTATIVES AT MEETINGS — VOTING CONTRARY TO CITY POLICY. No officer or employee authorized to attend a meeting or convention by the Board of Supervisors shall cast a vote or make any representation at such meeting or convention, while acting or purporting to act as a representative of the City and County, which he knows to be contrary to or in conflict with any officially established policy of the City and County on the subject matter of the vote or representation.

“Officially established policy” shall mean a policy established by ordinance, resolution or other written document constituting a public record, made, enacted or adopted by the board or officer having legal jurisdiction to establish such policy for the City and County.

Violation of this Section shall be deemed an act of official misconduct or insubordination and shall subject the violator to the proceedings and the penalties therefor provided by the Charter or other applicable law. (Ord. No. 8736 (1939), Secs. 1, 2)

SEC. 16.6-49.1. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTERGOVERNMENTAL BODY — DUTIES. The Board of Supervisors of the City and County of San Francisco does hereby assume the position that all intergovernmental bodies, decision-making boards, organizations and groups on which a member of the San Francisco Board of Supervisors sits shall provide a channel for public comment in the form of a citizens advisory committee; or in the case that a body is charged with the operation of an existing physical property, shall provide for regular public hearings to accept comment on the performance of that body. (Resolution 185-73, App. 3/30/73; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.6-49.2. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTERGOVERNMENTAL BODY — PROGRAM OF PUBLIC HEARING. Should a member of the board presently sit with such a group he will forthwith exert all effort to assist the formation of a citizens advisory committee or commence a regular program of public hearing. (Resolution 185-73, App. 3/30/73; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.6-49.3. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTERGOVERNMENTAL BODY — ESTABLISHMENT OF CITIZENS ADVISORY COMMITTEE. It is the policy of the San Francisco Board of Supervisors that in a new body, the supervisor appointed thereto must work toward the establishment of a citizens advisory committee in the body's by-laws. (Resolution 185-73, App. 3/30/73; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.6-50. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTERGOVERNMENTAL BODY — ASSIGNMENT OF DEPARTMENT OF PUBLIC WORKS EMPLOYEES TO ATTEND CONFERENCES.

WORKSHOPS AND TRAINING COURSES. The Chief Administrative Officer of the City and County of San Francisco, on the recommendation of the Director of the Public Works, is authorized to assign employees of the Department of Public Works to attend conferences, workshops and training courses sponsored by any university or college located within the State of California, or any conference sponsored by the Governor of the State of California or the President of the United States or the Institute of Traffic Engineers. The Controller of the City and County of San Francisco is hereby authorized to reimburse employees for expenses incurred while attending such conferences, training courses or workshops, provided funds have been appropriated for such purpose. (Added by Ord. 618-59, App. 12/1/59)

SEC. 16.6-51. MEMBER OF BOARD OF SUPERVISORS SERVING ON INTERGOVERNMENTAL BODY — ASSESSOR. The Assessor is hereby authorized to accept appointment as a member of the Tax Advisory Committee of the County Supervisors Association of California and the Legislative and Executive Committee of the Association of County Assessors.

The Assessor, or the Assessor's duly authorized representative, is hereby authorized to attend meetings of the Tax Advisory Committee of the County Supervisors Association of California, and the Legislative and Executive Committee of the Association of County Assessors, provided that funds have been specifically appropriated for such purpose.

The Assessor or his duly authorized representatives, or both, are hereby authorized to attend meetings of the California State Legislature or its committees, the State Board of Equalization, and the Bay Area Conference of Assessors; provided, that funds have been specifically appropriated for such purpose. (Added by Ord. 3-60, App. 1/6/60)

SEC. 16.6-52. TRAINING IN ELECTRONIC DATA PROCESSING. The Board of Supervisors finds and determines that it is for the interest and benefit of the City and County of San Francisco that members of departments performing data processing or related work be assigned to attend certain academies, universities and schools for training in electronic data processing.

When funds are appropriated for the purpose the department head with the approval of the Chief Administrative Officer, board or commission and the Controller may designate members of the department staff experienced in data processing or related work to attend academies, universities and schools where training in electronic data processing is given and to receive such training. (Added by Ord. 158-61, App. 6/30/61)

SEC. 16.6-53. JUVENILE COURT EMPLOYEES TO ATTEND SOCIAL SERVICES CERTIFICATE PROGRAM. The Board of Supervisors finds and determines that it is for the interest and benefit of the City and County of San Francisco that officers and employees of the Juvenile Court enroll in, attend and complete a certificate program in the social services conducted by the University of California through its Graduate School of Social Welfare and its Extension Division, the said program consisting of courses offered on evenings plus a concluding two-week residence seminar on the campus at the University of California.

The Chief Probation Officer of the Juvenile Court of the City and County of San Francisco is hereby authorized to assign officers and employees under his jurisdiction to attendance at the two-week residence seminar of the University of California certificate program in social services, provided such officers and employees have completed the prerequisite courses and will receive their certificates in social services upon the satisfactory completion of the residence seminar and provided, further, that such officers and employees shall meet their own expenses incident to attendance at the residence seminar. (Added by Ord. 141-62, App. 6/7/62)

SEC. 16.6-54. CITIZENS ADVISORY COMMISSION FOR CONSTITUTIONAL REVISION. The Board of Supervisors finds and determines that it is for the interest and benefit of the City and County of San Francisco that officers and employees of the City and County accept appointment to the Citizens Advisory Commission for Constitutional Revision, which commission analyzes, considers and recommends revisions to constitutional provisions, many of which affect the conduct of City and County government.

Appointing officers are accordingly authorized to permit City and County officers and employees under their jurisdiction who are members of the Citizens Advisory Commission for Constitutional Revision to attend meetings of such commission during normal work hours of such officers and employees. (Added by Ord. 271-64, App. 10/2/64)

SEC. 16.6-55. HUMAN RIGHTS EMPLOYEES TO ATTEND CERTAIN CONFERENCES, WORKSHOPS, SEMINARS, AND TRAINING COURSES. The Human Rights Commission is authorized to assign commission members, its director, and, upon recommendation of its director, employees of the Human Rights Commission to attend certain conferences, workshops, seminars and training courses sponsored by other public agencies, employers, labor unions, property owners associations, realtor associations, religious denominations and institutions, professional associations, national origin groups, community organizations, social welfare organizations and such other private organizations and institutions concerned with interracial, interreligious and intercultural understanding.

The Controller of the City and County of San Francisco is hereby authorized to reimburse commissioners and employees for expenses incurred while attending such conferences, workshops, seminars and training courses, provided funds have been appropriated for such purpose. (Added by Ord. 221-65, App. 8/19/65)

SEC. 16.6-56. ASSESSOR'S OFFICE EMPLOYEES TO ATTEND TRAINING COURSES ON ASSESSMENT PRACTICES. The Assessor of the City and County of San Francisco is authorized to assign employees of the Assessor's office to attend training courses on assessment practices and procedures sponsored by the Division of Assessment Standards of the State Board of Equalization at universities or colleges located within the State of California.

The Controller of the City and County of San Francisco is hereby authorized to reimburse employees for expenses incurred while attending such training courses, provided funds have been appropriated for such purpose. (Added by Ord. 184-66, App. 8/4/66)

SEC. 16.6-57. MEMBERSHIP OF DIRECTOR OF PUBLIC WORKS IN TOPICS. The Director of Public Works of the City and County of San Francisco, be and he is authorized and directed and appointed to serve as the official representative of the City and County of San Francisco to assist the State Department of Public Works in the administration of the Federal TOPICS (Traffic Operations Program to Increase Capacity and Safety) program within the boundaries of said City and County. (Res. No. 96-70, App. 3/5/70; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.6-58. TRAFFIC ENGINEERING IMPROVEMENTS — FORMULATION BY DIRECTOR OF PUBLIC WORKS. The Director of Public Works is authorized to formulate traffic engineering improvements designed to reduce congestion and improve traffic flow on a system of urban streets pursuant to the intent of the TOPICS program and subject to approval by the Board of Supervisors of the City and County of San Francisco. (Res. No. 96-70, App. 3/5/70; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.7. APPROVAL OF EXPENSES OF APPLICANTS FOR CIVIL SERVICE APPOINTMENT. Whenever the Civil Service Commission deems it advisable or necessary to bring applicants for civil service appointment into the City and County for interviews or other examination purposes — and it is contemplated that the City and County shall defray all or any portion of the expenses to be incurred by the applicants in traveling to and from their places of domicile — prior authorization for such expenditures must be granted by resolution of the Board of Supervisors. (Res. No. 10097 (1939))

SEC. 16.8. APPROVAL OF SECTION 3 CIVIL SERVICE RULE 34 RELATING TO REDUCTION OF FORCES DUE TO INSTALLATION OF MECHANICAL EQUIPMENT. Section 3 of Rule 34 of the Civil Service Commission of the City and County providing for transfers of employees, which section of such rule is herein set forth, is hereby approved, as follows:

“Whenever a surplus of employees is created in a department by the installation of mechanical equipment, and when the appointing officer shall so certify, such surplus employees may, with the approval of the appointing officers concerned and the Civil Service Commission, be transferred to vacant positions of the same classification in other departments, and such employees shall retain in their new departments the same salary and seniority status as they had in the department from which transferred. The 30-day waiting period provided in Section 1 hereof is not required when transfers are made under the provisions of this Section.” (Ord. No. 4398 (1939), Sec. 1)

SEC. 16.8-1. PAYMENT OR RECEIPT OF GRATUITY FOR EARLY RETIREMENT PROHIBITED. No officer or employee of the City and County occupying a position under civil service appointment shall offer or pay any sum of money or any other gratuity or consideration to any other civil service officer or employee, or representative of such officer or employee, with the intent of inducing or encouraging such officer or employee to apply for early retirement for the purpose of creating a vacancy in the position occupied by such officer or employee.

nor shall he become directly or indirectly involved in any such transaction. No officer or employee occupying a position under civil service appointment shall solicit or accept any sum of money or any other gratuity or consideration, or become directly or indirectly involved in any transaction with another civil service officer or employee, or representative of such officer or employee, for the purpose of creating a vacancy in his position through application for early retirement.

Violation of the provisions of this ordinance shall constitute insubordination within the meaning of Section 8.341 of the Charter and shall subject the offender to the disciplinary procedures thereof.

The provisions of this ordinance shall not apply to the members of the uniformed forces of the Police and Fire Departments. The Police Commission and Fire Commission shall prescribe and enforce rules and regulations to effectuate the purposes and intent of this ordinance with respect to the officers and men of their respective departments. (Amended by Ord. 27-63, App. 2/15/63)

SEC. 16.9. POUNDKEEPER DESIGNATED. The San Francisco Society For The Prevention of Cruelty To Animals, a corporation incorporated and organized under the laws of the State, is hereby appointed Poundkeeper of the City and County and as such Poundkeeper it shall have charge of the public pound. (Res. No. 906 (C.S.) Also see Sec. 41.4, Health Code)

SEC. 16.9-1. INTERNSHIP FOR LAW STUDENTS AND ATTORNEYS. The City Attorney, District Attorney and the Public Defender are hereby authorized to institute systems of internship for duly qualified law students and attorneys to serve in the office of the City Attorney, District Attorney or Public Defender and thereby acquire experience in the fields of civil and criminal law. Said service is to be entirely voluntary and under the supervision of the appointing officer and permanent members of his or her staff.

Law students and attorneys serving under this system of internship shall be designated by and shall serve at the pleasure of the appointing officer. Each attorney so designated must be qualified to practice in all the courts of the State.

There shall be no salary, wages or compensation of any kind or nature paid to said law students, or attorneys, nor shall any such person be eligible to be a member of the retirement system of the City and County of San Francisco or have any rights thereunder by reason of such service. (Amended by Ord. 428-76, App. 10/29/76)

SEC. 16.9-2. PEACE OFFICER TRAINING. The City and County of San Francisco declares that it desires to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the Penal Code of the State of California.

Pursuant to Section 13522 of said Chapter 1, the City and County of San Francisco, while receiving aid from the State of California pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission On Peace Officer Standards And Training.

The Chief of Police is hereby authorized and directed to execute such application forms as may be required by said California Commission On Peace Officer Standards and Training pursuant to said Section 13522. (Added by Ord. 80-61, App. 4/13/61)

SEC. 16.9-3. EMPLOYEE TRAINING. The Board of Supervisors finds and determines that it is for the interest and benefit of the City and County of San Francisco to assist, encourage, or assign employees and officers to attend certain courses given by accredited schools, colleges, and universities when such courses pertain directly to the present or promotional duties and responsibilities of officers and employees and such courses cannot be given as part of the in-service training program. Courses pertaining "directly to the present or promotional duties and responsibilities" may also include those courses which are required to complete a degree or certificate program which is so related. (Amended by Ord. 131-68, App. 5/16/68)

SEC. 16.9-4. TRAINING FOR PROMOTION. Upon written application to the Civil Service Commission through an appointing officer, by an employee or officer to enroll in a training course outside of working hours, given by an accredited educational institution pertaining to the duties of a higher classification, the appointing officer may recommend and the Civil Service Commission may approve enrollment at this course. The Civil Service Commission shall be the judge of whether an educational institution is properly accredited for the purpose of this ordinance, and the appointing officer shall consider the employee's record of performance in making the recommendation. The employee or officer shall be reimbursed one-half of the cost for tuition for said course if attendance has been approved within time limits as provided by rule of the Civil Service Commission; and funds have been appropriated for said purpose to the Civil Service Commission and are available; and the Civil Service Commission has verified that the employee or officer has satisfactorily completed the course. No reimbursement shall be made if the employee or officer is eligible to receive reimbursement for said tuition under a Veteran's benefit program or from other public funds. (Amended by Ord. 131-68, App. 5/16/68)

SEC. 16.9-5. TRAINING FOR PRESENT DUTIES. Upon written application to the Civil Service Commission through an appointing officer by an employee or officer to enroll in a training course during or outside of working hours for the purpose of improving in his present assignment or classification, the Commission may approve enrollment in such course within time limits as provided by rule of the Civil Service Commission. The Civil Service Commission shall be the judge of whether an educational institution is properly accredited for the purpose of this ordinance. The Civil Service Commission shall be the judge of whether training meets the criteria of improving performance in the employee's present job and whether training can be provided through available in-service facilities. The officer or employee shall be reimbursed for tuition, supplies, books and other fees, when funds have been appropriated for said purpose to the Civil Service Commission. If attendance is during duty hours, it shall be considered a duty assignment for the purposes of payment of salary. (Amended by Ord. 131-68, App. 5/16/68)

SEC. 16.9-6. APPEAL TO CIVIL SERVICE COMMISSION (SECTION 16.9-4). An employee whose application for training under the provisions of Section 16.9-4 of this ordinance does not receive the recommendation of his

appointing officer may appeal to the Civil Service Commission. Upon such appeal, the Civil Service Commission shall inquire into the reasons for the appointing officer's disapproval of such application, and the Civil Service Commission shall thereupon make such order as it deems just, which said order shall be final. (Added by Ord. 245-62, App. 6/14/62)

SEC. 16.9-7. APPEAL TO CIVIL SERVICE COMMISSION (SECTION 16.9-5). An employee whose application for training under the provisions of Section 16.9-5 of the ordinance does not receive the recommendation of his appointing officer may appeal to the Civil Service Commission. Upon such appeal the Civil Service Commission shall inquire into the reasons for the appointing officer's disapproval of such application, and the Civil Service Commission shall thereupon advise the appointing officer as it deems just. (Added by Ord. 245-62, App. 6/14/62)

SEC. 16.9-8. TRAINING PROCEDURES. The Civil Service Commission shall establish by rule procedures to carry out the provisions of Sections 16.9-3 through 16.9-7. (Added by Ord. 245-62, App. 6/14/62)

SEC. 16.9-9. PEACE OFFICER TRAINING. The City and County of San Francisco declares that it desires to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the Penal Code of the State of California.

Pursuant to Section 13522 of said Chapter 1, the City and County of San Francisco, while receiving aid from the State of California pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission On Peace Officer Standards And Training.

The Sheriff is hereby authorized and directed to execute such application forms as may be required by said California Commission On Peace Officer Standards And Training pursuant to said Section 13522. (Amended by Ord. 195-67, App. 7/18/67)

SEC. 16.9-10. SUPPLEMENTAL TRAINING AND EMPLOYMENT PROGRAM. It is hereby declared to be the policy of the City and County of San Francisco to cooperate with the State of California, through its Department of Human Resources Development, to provide and make available suitable skilled training and experience slots in certain departments of the City and County under a program funded by the Manpower Administration of the United States Department of Labor and known as "Supplemental Training and Employment Program" (STEP), which has the purpose of providing temporary financial assistance, work experience and training to individuals who have been displaced from employment or are unable to secure employment. (Added by Ord. 224-71, App. 8/29/71)

SEC. 16.9-11. ENROLLEES IN STEP PROGRAM. The General Manager, Personnel, Civil Service Commission, with the approval of the Civil Service Commission, is hereby authorized to execute contracts with the California State Department of Human Resources Development respecting the service of enrollees

in the STEP program in any department or office of the City and County subject to the following terms and conditions as specified in that certain form of contract on file with the Board of Supervisors under File No. 375-71:

(a) The term of service for each enrollee in the STEP program shall be for 13 weeks subject to further extension by the State for two additional 13-week periods or a maximum period of 39 weeks for each enrollee, with the State retaining the right to terminate an enrollee's participation in the program.

(b) The enrollee in such program shall not perform the duties of any regularly established civil service position. The STEP program shall not be used to displace full-time or part-time employees of the City and County of San Francisco, nor shall such program in any way impair the employment or earning opportunities of such full-time or part-time City and County employees.

(c) The City and County department to which the enrollee is assigned shall supervise the enrollee for 40 hours per week of full-time service or training.

(d) No compensation shall be paid by the City and County to any enrollee in the STEP program. The City and County shall incur no obligation for employment of any enrollee following completion of the period of work and training.

(e) The City and County of San Francisco shall not be liable for injury or damage caused by the activity of any enrollee; nor shall it assume any liability for injuries or damage suffered by any enrollee. The State shall provide general liability and workers' compensation insurance to protect each enrollee and the City and County of San Francisco. (Added by Ord. 224-71, App. 8/29/71)

SEC. 16.9-15. ROSTER OF OFFICERS AND EMPLOYEES SERVING ON ANY BOARD, COMMISSION OR COMMITTEE. The Mayor shall prepare and maintain on a current basis a roster of officers and employees of the City and County appointed, elected or designated to serve on any board, commission or committee pursuant to Federal or State law or ordinance, resolution, joint exercise of powers agreement or any other agreement entered into by or on behalf of the City and County. The appointing authority shall, with respect to any officer or employee heretofore or hereafter appointed, elected or designated to serve on any such board, commission or committee, forthwith transmit written notification to the Mayor of such appointment, election or designation. (Added by Ord. 12-73, App. 1/5/73)

SEC. 16.9-16. ESTABLISHMENT OF PROGRAMS OF INTERN TRAINING FOR PUBLIC SERVICE. It is hereby declared to be the policy of the City and County of San Francisco to cooperate with universities, colleges, and educational or training institutions in the development and establishment of programs of intern training for public service, for the purpose of enabling qualified persons to become better fitted to enter public careers and of developing a greater number of qualified aspirants for positions in the government of the City and County of San Francisco. (Ord. No. 3935 (Series of 1939), App. 7/17/46; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.9-17. ESTABLISHMENT OF PROGRAMS OF INTERN TRAINING FOR PUBLIC SERVICE — AUTHORITY OF CIVIL SERVICE COMMISSION. For the purpose of carrying out said policy, the Civil Service Commission of the City and County of San Francisco shall have the power and is

hereby authorized to establish and develop a program of internship training for public service within the San Francisco municipal service. (Ord. No. 3935 (Series of 1939), App. 7/17/46; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.9-18. ESTABLISHMENT OF PROGRAMS OF INTERN TRAINING FOR PUBLIC SERVICE — COOPERATION OF AFFECTED DEPARTMENTS. It shall be duty of all officers, boards, commissions, and departments of the City and County of San Francisco to cooperate with the Civil Service Commission in the development of a public service internship program. They are hereby authorized to accept for such public service training persons recommended by the Civil Service Commission for placement of interns; provided, however, that no placement shall be made which, in the judgment of such department head, will encumber or impair the operation of the department. (Ord. No. 3935 (Series of 1939), App. 7/17/46; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.9-19. INTERNS SELECTED FROM ACCREDITED COLLEGES OR UNIVERSITIES. Interns for such public service training shall be selected by the Civil Service Commission from persons recommended for such training by colleges and universities accredited by the Association of American Universities or by the Northwest Association of Secondary and Higher Schools, and by educational and training institutions approved by the Department of Education of the State of California for the training of veterans in governmental service within Title II, Public Law 346, 78th Congress; provided that any educational or training institution by which any such person is recommended must first be approved by the Civil Service Commission. (Ord. No. 3935 (Series of 1939), App. 7/17/46; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.9-20. QUALIFICATIONS FOR SELECTION AS INTERN. The Civil Service Commission shall, by rules and regulations, prescribe such qualifications as it may deem advisable with respect to persons and educational or training institutions desiring to become eligible for participation in such internship training program, and shall make such other rules and regulations as may be necessary to carry out the provisions of this ordinance, and to govern the administration of such internship training program. (Ord. No. 3935 (Series of 1939), App. 7/17/46; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.9-21. DUTIES OF INTERNS. The activity of interns shall be that of study and observation. They shall not perform the duties of employees of any department in which placed, or the work of any such department. (Ord. No. 3935 (Series of 1939), App. 7/17/46; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.9-22. HOLD HARMLESS CLAUSE. No compensation shall be paid by the city to any intern during such training. No obligation for employment of any intern subsequent to the training program shall be assumed by any officer, board or commission of the City and County; and no preference as to any position in the City and County government shall be granted to any intern subsequent to such public service training. The City and County of San Francisco shall assume no

liability for injury or damage caused by the activity of any intern; nor shall it assume liability for injury or damage suffered by any intern. (Ord. No. 3935 (Series of 1939), App. 7/17/46; codified by Ord. 193-74, App. 4/18/74)

SEC. 16.9-23. ESTABLISHMENT OF AN INTERNSHIP PROGRAM IN THE OFFICE OF THE MAYOR. Subject to the budget and fiscal provisions of the Charter, the Mayor is hereby authorized to institute an internship program in the office of the Mayor and in the offices, boards, or commissions of the City and County which are under the jurisdiction of the Mayor. In connection therewith, the Mayor is further authorized to prepare and submit applications to private foundations for supplemental funds to defray the cost incurred in the operation of said program and to accept and use any such funds for said purpose.

Persons participating in said internship program shall be selected by the Mayor and shall be either graduate students or law students recommended by colleges and universities in the San Francisco Bay Area. Interns selected by the Mayor shall perform such duties as may be assigned by the Mayor or by the department head of the office, board, or commission to which the intern is assigned, provided that no intern shall assume the functions normally performed by any regular employee of said office, board, or commission. Only those projects and services which are not an assigned function of any employee shall be undertaken by interns. Each intern shall be assigned for an 8-month period and shall be compensated at the rate of no more than \$300 per month and for no more than a 30-hour work week. All interns shall serve at the pleasure of the Mayor; may be removed by the Mayor at any time during his assignment for failure to fulfill his obligations under the program; and must be residents of the City and County of San Francisco in conformance with the provisions of Section 16.98 of the San Francisco Administrative Code. (Added by Ord. 296-76, App. 7/16/76)

SEC. 16.9-24. PREPARATION AND IMPLEMENTATION OF OFFICE, BOARD AND DEPARTMENT AFFIRMATIVE ACTION PLANS IN COORDINATION WITH THE CIVIL SERVICE COMMISSION IN COMPLIANCE WITH RELEVANT FEDERAL, STATE AND LOCAL LAW AND GUIDELINES. Each board or commission, each elective officer in charge of an administrative office, the Controller, the Chief Administrative Officer, and each department head appointed by the Chief Administrative Officer shall be responsible for the preparation and implementation of an affirmative action plan in order to provide equal employment opportunities to all persons. Each such plan shall address all employment-related subjects the control of which is vested by the Charter in the board, commission, officer, or department. Such subjects shall include, but not be limited to, the following:

- (a) Policy statements;
- (b) Designation of affirmative action responsibilities within the office, board or department, and establishment of a mechanism to evaluate the specific plan adopted;
- (c) Analysis of workforce utilization in each job category by race or national origin, sex, age and salary;

(d) Specific affirmative action steps to be undertaken within stated timetables to ensure nondiscriminatory personnel relations to each race or national origin group and each sex, as determined by the availability of qualified representatives thereof in the community; and

(e) The method of dissemination of the affirmative action plan.

All such plans shall be prepared in consultation with the Civil Service Commission and the Human Rights Commission in order to provide technical assistance and recommendations on effective steps to achieve equal employment opportunity. Prior to adoption, the Civil Service Commission and the Human Rights Commission shall also approve each affirmative action plan in cooperation with the City Attorney to ensure that compliance is made with all relevant Federal, State and local equal opportunity laws or regulations. Should the Civil Service Commission or Human Rights Commission find any such plan not in compliance with the above, it shall immediately so report to the Mayor's Office and Board of Supervisors. In the event that the Civil Service Commission and Human Rights Commission disagree, the matter shall be submitted to the Mayor's Office for resolution. All such plans shall, upon adoption, be filed with the Civil Service Commission and the Human Rights Commission for public or other inspection.

In order to facilitate the development of information necessary to the formulation of such plans, the Controller is directed to make appropriate data processing facilities available and to process annual workforce utilization plans as required by this Section, the California Fair Employment Practices Commission, the Equal Employment Opportunity Commission, the Human Rights Commission or any other regulatory agency charged with reviews of nondiscrimination provisions of local, State or Federal law.

All such plans shall be periodically reviewed, amended and updated as appropriate on at least an annual basis. An annual report on the performance and progress of such plans shall be prepared and submitted to the Mayor and Board of Supervisors by the Civil Service Commission in cooperation with the Human Rights Commission by the first day of March of each year during the annual budget process. (Added by Ord. 455-79, App. 9/12/79)

SEC. 16.9-25. PROHIBITING SEXUAL HARASSMENT OF CITY EMPLOYEES; ESTABLISHING A COMPLAINT PROCEDURE; PROVIDING FOR REMEDIES FOR PERSONS WHO HAVE BEEN FOUND TO BE VICTIMS OF SEXUAL HARASSMENT INCLUDING THE SETTING ASIDE OF DISCIPLINARY ACTION AGAINST THESE PERSONS; REQUIRING THE IMPOSITION OF DISCIPLINARY ACTION AGAINST PERSONS VIOLATING THIS SECTION; REQUIRING DISTRIBUTION OF THE POLICY; INTERPRETATION. (a) Sexual harassment of a City employee or applicant for employment by a City official or employee is prohibited.

(b) Behavior which constitutes sexual harassment by City officials and employees includes, but is not limited to:

- (1) Verbal harassment, e.g., epithets, derogatory comments or slurs;
- (2) Physical harassment, e.g., assault, impeding or blocking movement, gestures, or any physical interference with normal work or movement;
- (3) Visual forms of harassment, e.g., derogatory posters, letters, poems, graffiti, cartoons or drawings; or

(4) Requests for sexual favors or unwanted sexual advances; when the foregoing behavior unreasonably interferes with work performance, creates an intimidating, hostile or offensive working environment, influences or affects the career, salary, working conditions, job, or other aspects of career development of an employee or prospective employees, or is an explicit or implicit term or condition of employment.

(c) For the purpose of this Section, the following behavior by City officials and supervisory employees also constitutes sexual harassment:

(1) Failing to take corrective action when the officials or supervisory employees know, or reasonably should know, that an employee in the line of supervision of the officials or supervisory employees is being subjected to prohibited sexual harassment on the job by anyone; or

(2) Retaliation against an employee or applicant for employment who complained of sexual harassment, or who testified on behalf of one who made a complaint, or who assisted or participated in any manner on behalf of a complainant in an investigation, proceeding or hearing conducted under this Section.

(d) A supervisory employee receiving a complaint of sexual harassment shall inform the department head of such complaint within three working days. Upon receipt of such information the department head shall inform, in writing, the Equal Employment Opportunity Unit of Civil Service within five working days. The Civil Service Commission shall annually report to the Board of Supervisors and the Mayor the number of claims filed, the number of claims pending, the departments in which claims have been filed and such other information the Commission determines necessary regarding problems in enforcement under this Section.

(e) The discrimination complaint procedure established by the Civil Service Commission pursuant to Section 3.661(c) of the Charter shall be used to review and resolve allegations of sexual harassment. The determination reached under the Civil Service Commission procedures shall be final and shall forthwith be enforced by every employee and appointing officer.

(f) During any hearing on a complaint of sexual harassment, evidence of the sexual conduct of the complainant offered to attack the credibility of the complainant shall be permitted only as provided in the Civil Service Commission Hearing Procedures and with the express approval of the Civil Service Hearing Panel.

(g) Upon a finding that a City official or employee has engaged in prohibited sexual harassment as defined herein against a City employee or applicant for employment, the City official or employee shall receive disciplinary action up to and including demotion or dismissal in accordance with the applicable provisions in the Charter. A statement of those findings, of the disciplinary action taken, and of any final determination of subsequent acts of sexual harassment shall be made a part of the employee's personnel file and shall be included in the employee's performance evaluation.

(h) Whenever a final determination is made that an action taken against a City employee, such as but not limited to, a reassignment, transfer, termination, disciplinary action or demotion, constitutes sexual harassment, the responsible appointing officer in the subject department shall set aside that action and provide a make whole remedy to the complainant including but not limited to reinstatement of all benefits, seniority and back pay. After a final determination is made that

sexual harassment did occur, the appointing officer in the subject department shall provide a written notification of compliance with the requirements of this Section to the General Manager, Personnel.

(i) Prevention is the best tool for the elimination of sexual harassment. All City and County commissions, departments, boards and agencies shall provide to each of their supervisory employees a copy of this ordinance with a written explanation of the Civil Service procedure for filing a complaint for violation thereof. Each appointing officer shall require his or her supervisory personnel to instruct all employees under their supervision of the contents of this ordinance and of the Civil Service procedures for filing a complaint for violation thereof, and shall adopt a specific departmental policy delineating that sexual harassment will not be tolerated and shall provide to or acquire for its supervisory personnel a training program designed to educate and thereby prevent sexual harassment.

(j) This policy shall be construed in a manner consistent with the right of free speech, association and privacy.

(k) The offices of the Human Rights Commission and the Commission on the Status of Women shall be available to provide assistance upon request to any employee, applicant for employment, or City department wherever appropriate.

(l) Nothing in this Section is intended to limit the power of a department head to discipline a department employee found guilty or responsible for sexual harassment or retaliation. (Amended by Ord. 213-86, App. 6/13/86)

SEC. 16.9-26. BACKGROUND QUALIFICATIONS VERIFICATION OF APPLICANTS TO CIVIL SERVICE EXEMPT POSITIONS OR PERSONAL SERVICES CONTRACTS. (a) All appointing officers shall conduct a background investigation of an individual who applies either for a civil service exempt position or an award of a personal services contract pursuant to San Francisco Charter Sections 8.300(a) or 8.300-1. This background investigation includes but is not limited to verification of the applicant's prior employment, consultation with at least three references, and verification of education.

(b) This background qualifications verification may be waived by the appointing officer for those positions whose annual compensation is less than \$35,000; provided, that the appointing officer determines that a background investigation is not necessary. When the appointing officer waives a background qualifications verification, the appointing officer shall set forth the grounds for the waiver in a memorandum to be maintained in the personnel or contract services records of the individual in the office of the appointing officer. (Added by Ord. 36-83, App. 1/26/83)

ARTICLE II

VACATIONS

SEC. 16.10. DEFINITIONS. (a) "Continuous service" for vacation allowance purposes means paid service pursuant to a regular work schedule which is not interrupted by a breach in paid service.

(b) "Employee" means "Every person employed in the City and County service" which, as used in Charter Section 8.440 includes the classified employees of the City and County of San Francisco as provided in Section 3.661 of the Charter and classified personnel of the San Francisco Unified School District and Community College District, and officers, other than elected officers.

(c) "Irregular work schedule" means a work schedule for which the frequency and length is determined solely by the immediate or imminent needs of the service and which is subject to change at any time. Service in an irregular schedule does not constitute continuous service for vacation purposes.

(d) "Maximum vacation entitlement" means the maximum vacation allowance an employee may earn in any 12 month period. The amount is based on years of continuous service as follows:

Years of Continuous Service	Maximum Vacation Entitlement
1 through 5 years	80 hours
more than 5 through 15 years	120 hours
more than 15 years	160 hours

(e) "Paid service" means service in paid status with the City and County of San Francisco, the San Francisco Unified School District or the Community College District, as applicable, and includes hours paid as sick leave, vacation, compensatory time-off and overtime for employees who are eligible for overtime pay under the administrative provisions of the Annual Salary Standardization Ordinance.

(f) "Regular work schedule" means a work schedule consisting of a pre-determined and fixed number of hours to be worked on a routine basis and includes an authorized flex-time schedule.

(g) "Temporary disability" means temporary disability pursuant to the Worker's Compensation or State Disability Laws of the State of California or the industrial disability provisions of Charter Sections 8.515 or 8.516.

(h) "Vacation allowance" means the leave with pay for vacation purposes which an employee accrues or is awarded under the terms of this ordinance.

(i) "Vacation with pay" means the compensation the employee would have earned during the vacation period if the employee had worked during the same period, without the inclusion of overtime earnings or special pay. (Amended by Ord. 182-85, App. 4/12/85)

SEC. 16.11. CALCULATION OF VACATIONS. (a) No employee is entitled to a vacation allowance until the employee has completed one year of continuous service.

(b) For purposes of determining the vacation allowance the anniversary date for an employee shall be the first date of employment in the current period of continuous service.

(c) Continuous service shall not be deemed to have been breached:

(1) By an employee because of absence from service due to duly authorized leave; or

(2) By a permanent employee laid off due to lack of work or funds, provided the employee is reappointed to a position in the service with a regular work schedule within five years of lay-off; or

(3) By a permanent school term employee because of a period when schools are not normally in session; or

(4) By a permanent employee who resigns in good standing and is reappointed to a position in the service with a regular work schedule within six months from the effective date of resignation; or

(5) By a temporary or provisional (noncivil service or limited tenure) employee who has completed one year of continuous service and resigns in good standing or is laid off and is reappointed to a position in the service with a regular work schedule within six months from the effective date of resignation or layoff; or

(6) By an employee who has resigned from a position with services certified as other than satisfactory by the appointing officer if the employee is granted reappointment rights by the Civil Service Commission and is reappointed to a position in the service with a regular work schedule within six months from the effective date of resignation.

(d) Without regard to any other provisions in this Section, no vacation allowance is earned for paid service in an irregular work schedule.

(e) An employee who has completed one year of continuous service shall accrue vacation allowance at the rate of .0385 of an hour for each hour of paid service. An employee who has completed five years of continuous service shall accrue thereafter a vacation allowance at a rate of .0577 of an hour for each hour of paid service. An employee who has completed 15 years of continuous service shall accrue a vacation allowance a rate of .077 of an hour for each hour of paid service.

(f) No employee shall be credited with more than 2080 hours of paid service in any 12 month period for purposes of computing the vacation allowance.

(g) The vacation allowance for an employee receiving temporary disability benefits shall be computed on the basis of the number of hours in the employee's regular work schedule; provided, however, that an employee not supplementing State Disability Insurance payments with earnings from paid service will not accrue a vacation allowance during the period of disability. An employee who has received a permanent disability award and who does not return to employment because of such disability is not entitled to accrue a vacation allowance.

(h) For members of the uniformed force of the Fire Department, the factors for earning vacation allowance, the maximum number of hours credited for vacation allowance purposes and the maximum number of vacation hours an employee may accrue shall be administered in a manner consistent with the intent of this ordinance and approved by the General Manager, Personnel. In addition, if necessary because of minimum daily staffing requirements and the financial and scheduling problems created in bringing the uniformed force into conformity with Section 16.12(e) and (f), the Fire Department may establish an alternative schedule or other means for decreasing in an equitable manner the maximum accrual of vacation allowance to an amount consistent with that permitted other City employees under Section 16.12(e) no later than December 31, 1989. If the Fire Department establishes an alternative schedule, it may not permit a member of the uniformed force to accrue vacation days or hours in excess of the following:

Years of Continuous Service	Maximum Accrual
1 through 5 years	50 days or 400 hours
more than 5 years through 15 years	60 days or 480 hours
more than 15 years	70 days or 560 hours.

(i) Any dispute over whether an employee is assigned to a regular or an irregular work schedule shall be finally decided by the Civil Service Commission. (Amended by Ord. 182-85, App. 4/12/85)

SEC. 16.12. AWARD AND ACCRUAL OF VACATION. (a) Beginning with the first full pay period after the effective date of this ordinance, an employee shall be awarded the employee's vacation allowance on the first day of the pay period following the pay period in which the allowance is accrued.

(b) An employee does not accrue vacation allowance in the first year of continuous service, however, at the end of one year of continuous service, an employee shall be awarded a vacation allowance computed at the rate of .0385 of an hour for each hour of paid service in the preceding year.

(c) At the end of five years of continuous service, an employee shall be awarded a one-time vacation allowance computed at the rate of .01924 of an hour for each hour of paid service in the preceding year except that the amount of the vacation allowance shall not exceed 40 hours.

(d) At the end of fifteen years of continuous service, an employee shall be awarded a one-time vacation allowance computed at the rate of .01924 of an hour for each hour of paid service in the preceding year except that the amount of the vacation allowance shall not exceed 40 hours.

(e) The maximum number of vacation hours an employee may accrue consists of 240 hours carried forward from prior years plus the employee's maximum vacation entitlement which is based on the number of years of service. The maximum number of vacation hours which an employee may accrue is as follows:

Years of Continuous Service	Maximum Accrual
1 through 5 years	320 hours
more than 5 through 15 years	360 hours
more than 15 years	400 hours

(f) On the first day of the second pay period following the effective date of this ordinance, employees shall be awarded any vacation allowance accrued between January 1, 1985, and the first day of the second pay period following the effective date of this ordinance. In order to prevent employees from unfairly losing accrued vacation allowance in the transition from an award date of January 1st of each year, the limitation on the number of vacation hours an employee may accrue as set forth in Subsection 16.12(e) shall not apply between the effective date of this ordinance and January 9, 1987. Vacation allowance hours in excess of those set forth in Section 16.12(e) will be lost if not used before January 9, 1987. (Amended by Ord. 97-86, App. 3/27/86)

SEC. 16.13. EFFECT OF SEPARATION UPON VACATION. An employee in the final year of service may with the approval of the appointing officer elect to receive a cash payment in lieu of vacation due at the time of separation, provided that the appointment and payment of a replacement for the period of time representing such cash payment in lieu of vacation is not required. In lieu of such cash payment an employee who separates from City and County service and who without interruption in service is appointed to any governmental agency whose employees are eligible for membership in the San Francisco City and County Retirement System may elect to transfer such accumulated vacation to such agency if the agency rule or regulation permits the crediting of such accumulated vacation. (Amended by Ord. 182-85, App. 4/12/85)

SEC. 16.14. VACATION SCHEDULES. (a) Appointing officers are responsible for approving vacation schedules. In approving vacation schedules, the appointing officers shall give due regard to employee seniority and preference and the needs of the service. Unless an emergency situation exists requiring the immediate presence of an employee, an employee shall be allowed to begin a vacation on the day immediately following the employee's normal day off.

(b) With the approval of the appointing officer, an employee's vacation allowance may be taken in increments of not less than one hour.

(c) Except as requested by the employee to supplement disability benefits, the vacation allowance of an employee, who has started a vacation and who suffers a nonindustrial injury or illness or a recurrence of an industrial injury or illness during such vacation and who is entitled to and receives temporary disability benefits, shall not be charged for periods in which the employee receives disability benefits.

(d) Every department shall maintain records which shall include, in addition to all other information required by the Civil Service Commission and Controller, the employee's accrued vacation allowance. When an employee accepts a permanent appointment to another department, the employee's vacation and sick leave records shall be transferred by the first department to the second department. Ninety calendar days after an automated payroll/personnel data system is fully implemented in a department, and, upon approval of the General Manager, Personnel, and the Controller, the maintenance of such records by the department shall no longer be required. All records shall, however, continue to be preserved according to present statutory requirements. (Amended by Ord. 182-85, App. 4/12/85)

SEC. 16.15. USE OF PARTIAL VACATION TO SUPPLEMENT DISABILITY LEAVE. An employee who is absent from duty because of temporary disability may use his or her vacation allowance to supplement disability benefits; provided, that when the vacation allowance payment is added to the disability benefits payable under the Workers' Compensation or State Disability Insurance Laws, the employee's bi-weekly payment will not exceed the normal salary of the employee for the regular work schedule effective at the commencement of the disability. An employee desiring to use his or her vacation allowance to supplement State Disability Insurance benefits shall, within seven calendar days following the first day of absence, and on a form provided by the Civil Service Commission, so

inform his or her appointing officer or designated representative. Notwithstanding the foregoing, an employee receiving temporary workers' compensation disability benefits may accrue vacation hours in excess of the maximum accrual permitted pursuant to Section 16.12(e). Upon the cessation of the employee's receipt of temporary disability benefits the employee shall receive a cash payment for any vacation hours accrued in excess of the number the employee was permitted to accrue pursuant to Section 16.12(e). (Amended by Ord. 182-85, App. 4/12/85)

SEC. 16.16. VACATION CHARGES BETWEEN DEPARTMENTS.

The Controller shall establish procedures for the method of payment of salaries to employees entitled to vacation from service in two or more departments of the City and County. (Added by Ord. 316-81, App. 6/19/81)

ARTICLE III

SICK LEAVE

SEC. 16.17. RULE 22 OF THE CIVIL SERVICE COMMISSION

APPROVED. (a) Rule 22 of the Civil Service Commission of the City and County of San Francisco, providing for sick leave with pay and disability leave, as adopted by the Civil Service Commission at its meeting on April 21, 1980, a copy of which is on file with the Clerk of the Board of Supervisors in File 385-80, and which is expressly made a part of this ordinance, and by reference incorporated herein, is hereby approved pursuant to the provisions of Section 8.363 of the Charter.

(b) The amendment to Rule 22 of the Civil Service Commission of the City and County of San Francisco, providing for use of sick leave with pay credits to supplement State Disability Insurance (SDI), as adopted by the Civil Service Commission at its meeting on November 16, 1981, a copy of which is on file with the Clerk of the Board of Supervisors in File 516-81-1, and which is expressly made a part of this ordinance, and by reference incorporated herein, is hereby approved pursuant to the provisions of Section 8.363 of the Charter to be effective as of February 1, 1982. (Amended by Ord. 117-82, App. 3/18/82)

SEC. 16.17-1. ESTABLISHMENT OF ACCRUED SICK LEAVE LIABILITY ACCOUNT FOR COMMUNITY DEVELOPMENT'S RESIDENTIAL REHABILITATION ASSISTANCE PROGRAM OF THE DEPARTMENT OF PUBLIC WORKS, BUREAU OF BUILDING INSPECTION, A PROJECT OF THE OFFICE OF COMMUNITY DEVELOPMENT. THIS SHALL BE IDENTIFIED UNDER CONTROLLER'S FIRM SYSTEM 90.01.03 FUND GROUP 03, PROJECT 102. Pursuant to the limitations provided in Civil Service Commission Rule 23, as amended in the general election of November 7, 1978, by Proposition F, it is hereby authorized that the Community Development ("CD") Residential Rehabilitation Assistance Program ("RAP") establish a liability account for accumulated unused sick leave balances as of December 5, 1978 which remain due and payable upon retirement. Said amount for this liability shall be appropriated out of unexpended FACE/RAP Block Grant funds and placed into an identified Line Item under a fringe benefit account. Upon

retirement and payment of this benefit, reimbursement from this account, to the extent the benefit was earned under the RAP program, will be made to the City and County's general fund under a Controller's journal entry.

(a) In order to keep the funding for this liability current, the liability for CD RAP accrued sick leave will be budgeted on an annual basis with the prior year funding authorized by the Board of Supervisors being reallocated in the current year budget. (Added by Ord. 32-81, App. 1/9/81)

ARTICLE IV

RETIREMENT

SEC. 16.29. DEFINITIONS. The words and phrases as used in this Article and for the purposes of this Article, unless a different meaning is plainly required by context, shall have the meaning respectively ascribed to them in Sections 16.29-1 through 16.29-23. (Amended by Ord. 299-64, App. 11/9/64)

SEC. 16.29-1. DEFINITIONS — ACTUARIAL EQUIVALENT. Actuarial equivalent shall mean a benefit of equal value when computed upon the basis of such mortality tables as shall be adopted by the retirement board, and regular interest. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-2. DEFINITIONS — ANNUITY. Annuity shall mean equal monthly payments for life derived from contributions made by a member. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-3. DEFINITIONS — BENEFICIARY. Beneficiary shall mean any person in receipt of a retirement allowance, a death benefit or any other benefit from the retirement system. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-4. DEFINITIONS — BOARD. Board shall mean "retirement board" as created in Section 3.670 of the Charter. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-5. DEFINITIONS — CITY. City shall mean "City and County of San Francisco" or the "school district of the City and County of San Francisco." (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-6. DEFINITIONS — CITY AND COUNTY SERVICE. City and County service shall mean service rendered as an employee of the City and County for compensation. For the purposes of the retirement system a member shall be considered as being in the City and County service only while he is receiving compensation from the City and County for such service; provided, however, that any person heretofore appointed to the position of Fire Marshall, who, at the time of his appointment, was a member of the uniform rank of the Fire Department and was at the same time entitled to the benefits of the Fireman's Relief Fund, as provided for in Chapter VII of Article IX of the Charter which has

been superseded by the present Charter; and who did not avail himself of the privileges permitted by Subsection (f) of Section 8.565 of the present Charter, shall as long as he occupies the position of Fire Marshal be deemed to be in the City and County service and shall continue to be a member of the retirement system as provided in Section 8.565 of the present Charter and to enjoy the same rights, privileges and benefits from such system as he would have enjoyed had he not been appointed to the position of Fire Marshal and had continued to serve in the position in the department which he was legally occupying at the time of his appointment to the position of Fire Marshal. His dependents shall be entitled to all the rights, benefits and privileges provided for in Section 8.565 of the present Charter. The amount of the benefit which such person or his dependents shall be entitled to shall be in accordance with the compensation attached to the position which he occupied in the Fire Department at the time of the appointment to the position of Fire Marshal. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-7. DEFINITIONS — TYPES OF COMPENSATION. The various types of compensation are as set forth in Sections 16.29-7.1 through 16.29-7.4. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-7.1. DEFINITIONS — COMPENSATION AS DISTINGUISHED FROM BENEFITS. Compensation, as distinguished from benefits under the workers' compensation, insurance and safety law of the State, shall mean the remuneration payable in cash by the City and County, plus the monetary value — as determined by the Board of Supervisors; or, if that board shall not have so determined, then by the Retirement Board — of board, lodging, fuel, laundry and other advantages allowed as remuneration by the City and County. The "compensation" during any fiscal year received by a person as a teacher shall be taken as such an amount as shall bear the same proportion to the total remuneration paid to such teacher by the San Francisco School Department during such fiscal year as the amount contributed during the previous fiscal year by the City and County to the common school fund bears to the total amount contributed to the common school fund during the previous fiscal year by the City and County and by the State. With respect only to persons who affirmatively exercise the option provided in Section 16.31 of this Code, "compensation," as defined in this paragraph, shall in no case, even including two classes of service, be taken to exceed \$900 per month. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-7.2. DEFINITIONS — COMPENSATION EARNABLE BY A MEMBER. Compensation earnable by a member shall mean the compensation as determined by the Retirement Board, which would have been earned by the member had he worked throughout the period under consideration the average number of days ordinarily worked by persons in the same grade or class of positions as the positions held by said member during such period, and at the rates of pay attached to such positions, it being assumed that during any absence said member was in the position held at the beginning of the absence, and that prior to entering City and County service said member was in the position first held by him in City and County service.

In the calculation of benefits, however, payable because of death or retirement of a member of the Fire or Police Department as a result of injuries incurred in performance of duty, "compensation earnable" shall be based on the assumption that prior to becoming a member of the department, the person so retired or dead was in the position first held by said person in the department. With respect only to persons who affirmatively exercise the option provided in Section 16.31 of this Code, "compensation earnable" shall not be taken to exceed \$900 per month. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-7.3. DEFINITIONS — FINAL COMPENSATION. Final compensation shall mean the average monthly compensation earnable by a member during the 10 years immediately preceding his or her retirement. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-7.4. DEFINITIONS — COMPENSATION PAID IN LIEU OF VACATION EXCLUDED. When the compensation of a member is a factor in any computation to be made under the Retirement System, there shall be excluded from such computation any compensation paid in lieu of vacation or sick leave. (Amended by Ord. 270-81, App. 5/21/81)

SEC. 16.29-8. DEFINITIONS — CONTINUOUS SERVICE. Continuous service shall mean uninterrupted City and County service, except that discontinuance of City and County service from any cause whatsoever followed by re-entrance into City and County service within three years from the date of such discontinuance shall not be considered as a break in the continuity of service; and except that any absence from City and County service by reason of service in the military or naval forces of the United States in any war in which the United States has engaged or may become engaged shall not be considered as a break in City and County service. The period of such absence shall count as City and County service, but time during which a person otherwise than because of such service has been or shall be absent for any reason from City and County service shall not be included in calculating any benefit under the Retirement System or in determining whether a member qualifies for retirement. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-9. DEFINITIONS — TYPES OF CONTRIBUTIONS. The various types of contributions are as set forth in Sections 16.29-1 through 16.29-9.7. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-9.1. DEFINITIONS — ACCUMULATED ADDITIONAL CONTRIBUTIONS. Accumulated additional contributions shall mean the sum of all the additional contributions, deducted from the compensation of a member standing to the credit of his or her individual account, together with regular interest thereon. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-9.2. DEFINITIONS — ACCUMULATED CONTRIBUTIONS. Accumulated contributions shall mean accumulated normal contributions, plus accumulated additional contributions, plus accumulated prior

contributions, plus accumulated retroactive contributions, plus such contributions, with interest, as may have been made at the rate of two dollars per month. (Amended by Ord. 65-65, App. 3/19/65)

SEC. 16.29-9.3. DEFINITIONS — ACCUMULATED NORMAL CONTRIBUTIONS. Accumulated normal contributions shall mean the sum of all the normal contributions deducted from the compensation of a member, standing to the credit of his individual account, together with regular interest thereon. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-9.4. DEFINITIONS — ADDITIONAL CONTRIBUTIONS. Additional contributions shall mean contributions at the rates provided for in Section 16.55 of this Code. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-9.5. DEFINITIONS — NORMAL CONTRIBUTIONS. Normal contributions shall mean contributions made by members at the rates provided for in Section 16.51 of this Code, and contributions made by members who exercised the election provided in Section 16.70-1 of this Code on account of compensation earned after June 30, 1965, at the rates provided for in paragraph (3) of said Section 16.70-1. (Amended by Ord. 65-65, App. 3/19/65)

SEC 16.29-9.6. DEFINITIONS — PRIOR CONTRIBUTIONS. Prior contributions shall mean contributions to the retirement system made by members in accordance with Sections 16.29-15.5, 16.29-15.6, 16.29-15.7 or 16.29-15.8 of this Code. (Added by Ord. 299-64, App. 11-9-64)

SEC. 16.29-9.7. DEFINITIONS — ACCUMULATED PRIOR CONTRIBUTIONS. Accumulated prior contributions shall mean the sum of all the prior contributions standing to the credit of a member's individual account, together with regular interest thereon. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-9.8. DEFINITIONS — RETROACTIVE CONTRIBUTIONS. Retroactive contributions shall mean contributions made by members in accordance with paragraph (1) of Section 16.70-1 of this Code for time prior to July 1, 1965. (Added by Ord. 65-65 App. 3/19/65)

SEC. 16.29-9.9. DEFINITIONS — ACCUMULATED RETROACTIVE CONTRIBUTIONS. Accumulated retroactive contributions shall mean the retroactive contributions and interest thereon standing to the credit of a member's individual account. (Added by Ord. 65-65, App. 3/19/65)

SEC. 16.29-10. DEFINITIONS — DEATH ALLOWANCE. Death allowance shall mean payments for the life, or until remarriage, or until youngest child shall attain the age of 16 years, as provided in Section 16.80 of this Code. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-11. DEFINITIONS — EMPLOYEE. Employee shall mean any person who occupies a position created by or which is under the jurisdiction of

the City and County, whose compensation is paid by the City and County, and who is under the control of the City and County as to employment, direction and discharge. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-12. DEFINITIONS — MEMBER. Member shall mean any person included in the membership of the retirement system as provided in Section 16.42 of this Code. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-13. DEFINITIONS — MEMBER OF POLICE DEPARTMENT OR MEMBER OF FIRE DEPARTMENT. Member of Police Department or member of Fire Department shall mean any officer or employee of the City and County Police or Fire Departments, respectively, whose employment therein began prior to January 1, 1900, or whose employment therein began or shall begin after that date and was or shall be subject to a Charter maximum age at the time of employment of 35 years. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-14. DEFINITIONS — PENSION. Pension shall mean equal monthly payments for life derived from contributions made by the City and County as provided by this Article. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-15. DEFINITIONS — PRIOR SERVICE. Prior service is defined as set forth in Sections 16.29-1 through 16.29-15.9. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-15.1. DEFINITIONS — TEACHERS. Prior service as applied to persons employed as teachers at the time of their entry into the Retirement System, and persons, as former teachers, to whom or on account to whose death payments are made by the Retirement System under Section 16.49 of this Code, shall mean City and County service, excluding City and County service as a member of the San Francisco City and County Employees' Retirement System, rendered before October 1, 1925. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-15.2. DEFINITIONS — MEMBERS OF POLICE OR FIRE DEPARTMENTS. Prior service as applied to persons who were members of the Police or Fire Department on January 8, 1932, persons employed by the Board of Trustees of the Police Relief and Pension Fund on such date and former members of such departments, to whom or on account of whose death, payments by the Retirement System are made under Sections 8.542 and 8.566 of the Charter shall mean City and County service rendered as members of the City and County Police or Fire Department, or as employees of such board, respectively, before January 8, 1932. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-15.3. DEFINITIONS — PERSONS REFERRED TO IN LAST TWO SENTENCES OF THE FIRST PARAGRAPH OF SECTION 8.500 OF THE CHARTER. Prior service as applied to persons referred to in the last two sentences of the first paragraph of Section 8.500 of the Charter shall mean City and

County service, excluding City and County service rendered as lawful members of the San Francisco City and County Employees' Retirement System rendered before January 9, 1932. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-15.4. DEFINITIONS — ALL OTHER MEMBERS OF THE RETIREMENT SYSTEM. Prior service as applied to all other members of the Retirement System and all other persons as former members of the San Francisco City and County Employees' Retirement System, subject to the further provisions contained in Sections 16.29-15.5, 16.29-15.6, 16.29-15.7, 16.29-15.8, and 16.29-15.9 of this Code, to whom or on account of whose death, payments are made under Section 16.49 of this Code shall mean City and County service rendered before April 1, 1922, except as provided in Subsection (g) of Section 16.43 of this Code. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-15.5. DEFINITIONS — PERSONS WHO ARE MEMBERS UNDER SECTION 8.507 OF THE CHARTER. Prior service as applied to persons who are members under Section 8.507 of the Charter and who were excluded from membership because of their employment in City and County service under certification for temporary service from civil service eligibility lists other than limited tenure lists, shall mean aggregate City and County service, regardless of breaks in such service, less the first six months thereof, rendered prior to September 14, 1942, while so excluded on account of such employment. As an exception to the provisions contained in Section 16.63 of this Code, however, service shall be credited under this paragraph only if the member elects, prior to March 31, 1955, or prior to the effective date of his retirement, whichever is earlier, to contribute, and does contribute, in a manner and at times approved by the Retirement Board, an amount equal to contributions determined by applying, to the compensation earned by him in such service, the rate of contribution first applicable to him upon commencement of his membership in the Retirement System. This paragraph shall apply only to persons who are members of the Retirement System on the effective date of this paragraph, and the accumulated contributions standing to the credit of such members on such effective date; and their rates of contribution, shall not be affected by this paragraph. All contributions made pursuant to this paragraph shall be administered in the manner provided herein for normal contributions, except that the annuity provided upon retirement of the member by such contributions, plus credited interest, shall not be matched by the City and County. Instead, such annuity shall be deducted from the pension payable to such member on account of prior service; and only the remainder of such prior service pension shall be payable from contributions of the City and County. It is hereby declared to be the intent of this paragraph that the provision for prior service credit contained herein would not have been enacted without the conditions expressed herein requiring that any recipient of such prior service credit must actually pay the amount provided for herein, in conformity with the provisions hereof. In the absence of strict compliance with such provision for payment by the recipient, this paragraph shall be ineffective. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-15.6. DEFINITIONS — PERSONS WHO ARE MEMBERS UNDER SECTION 8.507 OF THE CHARTER AND WHO WERE

EXCLUDED FROM MEMBERSHIP PRIOR TO JANUARY 8, 1932. Prior service as applied to persons who are members under Section 8.507 of the Charter on the effective date of this paragraph, and who were excluded from membership prior to January 8, 1932, while employed under certification from a civil service list for permanent employment, or as a teacher, because of the requirement that six months of City and County service be completed as a condition of such membership, shall mean aggregate City and County service not to exceed six months rendered while so excluded. As an exception to the provisions contained in Section 16.63 of this Code, however, service shall be credited under this paragraph only if the member elects prior to June 30, 1956, or prior to the effective date of retirement, whichever is earlier, to contribute, and does contribute, in a manner and at times approved by the Retirement Board, an amount equal to contributions determined by applying, to the compensation earned by him in such service, the rate of contribution first applicable to him upon commencement of his membership in the Retirement System. This paragraph shall apply only to persons who are members of the Retirement System on the effective date of this paragraph. The accumulated contributions standing to the credit of such members on such effective date, and their rates of contribution, shall not be affected by this paragraph. All contributions made pursuant to this paragraph shall be administered in the manner provided herein for normal contributions, except that the annuity provided upon retirement of the member, by such contributions, plus credited interest, shall not be matched by the City and County. Instead, such annuity shall be deducted from the pension payable to such member on account of prior service; and only the remainder of such prior service pension shall be payable from contributions of the City and County. It is hereby declared to be the intent of this paragraph that the provision for prior service credit contained herein would not have been enacted without the condition expressed herein requiring that any recipient of such prior service credit must actually pay the amount provided for herein, in conformity with the provisions hereof. In the absence of strict compliance with such provision for payment by the recipient, this paragraph shall be ineffective. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-15.7. DEFINITIONS — PERSONS WHO ARE MEMBERS UNDER SECTION 8.507 OF THE CHARTER AND WHO WERE EXCLUDED FROM MEMBERSHIP PRIOR TO SEPTEMBER 14, 1942. Prior service — as applied to persons who are members under Section 8.507 of the Charter and who were excluded from membership prior to September 14, 1942, because of their employment in City and County service under certification for temporary service from civil service eligibility lists other than limited tenure lists, with respect only to the first six months of such service which is excluded in the definition of prior service in Section 16.29-15.5 of this Code; or who were or shall be excluded from membership because of the requirement that six months of City and County service be completed as a condition of such membership — shall mean aggregate City and County service not to exceed six months rendered while so excluded. As an exception to the provisions contained in Section 16.63 of this Code, however, service shall be credited under this paragraph only if the member elects — prior to the effective date of retirement — to contribute, and does contribute, prior to the effective date of retirement, in a manner and at times approved by the Retirement Board, an amount equal to contributions determined by applying to the

compensation earned by him in such service the rate of contribution first applicable upon commencement of his membership in the Retirement System. The accumulated contributions standing to the credit of such members on the effective date of this paragraph and their rates of contribution shall not be affected by this paragraph. All contributions made pursuant to this paragraph shall be administered in the manner provided herein for normal contributions, except that the annuity provided upon retirement of the member, by such contributions, plus credited interest, shall not be matched by the City and County. Instead, such annuity shall be deducted from the pension payable to such member on account of prior service; and only the remainder of such prior service pension shall be payable from contributions of the City and County. It is hereby declared to be the intent of this paragraph that the provision for prior service credit contained herein would not have been enacted without the condition expressed herein requiring that any recipient of such prior service credit must actually pay the amount provided for herein, in conformity with the provisions hereof. In the absence of strict compliance with such provision for payment by the recipient, this paragraph shall be ineffective. (Amended by Ord. 13-66, App. 1/20/66)

SEC. 16.29-15.8. DEFINITIONS — PERSONS WHO ARE MEMBERS UNDER SECTION 8.507 OF THE CHARTER AND WHO WERE EXCLUDED BECAUSE OF EMPLOYMENT IN THE EMERGENCY RELIEF ADMINISTRATION, COUNTY DIVISION. Prior service as applied to persons who are members under Section 8.507 of the Charter and who were excluded from membership because of their employment in City and County service in the Emergency Relief Administration, County Division, their compensation for which was paid by the City and County on City and County payrolls, shall mean aggregate City and County service rendered, while so excluded. As an exception to the provisions contained in Section 16.63 of this Code, however, service shall be credited under this Section only if the member elects prior to July 1, 1960, or prior to the effective date of retirement, whichever is earlier, to contribute, and does contribute, in a manner and at times approved by the Retirement Board, an amount equal to contributions determined by applying, to the compensation earned by him in such service, the rate of contribution first applicable to him upon commencement of his membership in the Retirement System. The accumulated contributions standing to the credit of said members on the effective date of this Section, and their rates of contribution, shall not be affected by this Section. All contributions made pursuant to this paragraph shall be administered in the manner provided herein for normal contributions, except that the annuity provided upon retirement of the member, by said contributions, plus credited interest, shall not be matched by the City and County, and instead, said annuity shall be deducted from the pension payable to said member on account of prior service. Only the remainder of said prior service pension shall be payable from contributions of the City and County. It is hereby declared to be the intent of this Section that the provision for prior service credit contained herein would not have been enacted without the condition expressed herein requiring that any recipient of such prior service credit must actually pay the amount provided for herein, in conformity with

the provisions hereof. In the absence of strict compliance with said provision for payment by the recipient, this Section shall be ineffective. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-15.9. DEFINITIONS — PERSONS WHO ARE MEMBERS UNDER SECTION 8.507 OF THE CHARTER OR WHO RETIRED UNDER SECTION 8.507 AFTER MAY 23, 1960 EXCLUDED FROM MEMBERSHIP BECAUSE OF PROVISIONS OF SECTION 16626 OF EDUCATION CODE OF THE STATE OF CALIFORNIA. Prior service as applied to persons who are members under Section 8.507 of the Charter, or who retired under Section 8.507 on or after May 23, 1960, and who were excluded from membership prior to July 1, 1955, solely because of the provisions of Section 16626 of the Education Code of the state of California in effect prior to July 1, 1955, shall mean aggregate service, regardless of breaks in such service, rendered by them as employees in child care centers while so excluded. (Amended by Ord. 106-67, App. 4/21/67)

SEC. 16.29-15.10. DEFINITIONS — EMPLOYEES OF THE HEALTH SERVICE SYSTEM PRIOR TO DECEMBER 1, 1940. Prior service as applied to persons who are members under Section 8.507 of the Charter shall mean service rendered as employees of the Health Service System of the City and County of San Francisco prior to December 1, 1940. (Added by Ord. 79-65, App. 4/7/65)

SEC. 16.29-15.11. DEFINITIONS — EXCLUDED BECAUSE OF EMPLOYMENT IN TEMPORARY POSITION. Prior service, as applied to persons who are members under Section 8.507 of the Charter and who were excluded from membership because of their employment in City and County service in a temporary position, shall mean aggregate City and County service, regardless of breaks in such service, rendered while so excluded on account of such employment. As an exception to the provisions contained in Section 16.63 of this Code, however, service shall be credited under this paragraph only if the member elects prior to the effective date of retirement to contribute, and does contribute, prior to the effective date of retirement, in a manner and at times approved by the Retirement Board, an amount equal to contributions determined by applying, to the compensation earned by him in such service, the rate of contribution first applicable to him upon commencement of his membership in the Retirement System. All contributions made pursuant to this paragraph shall be administered in the manner provided herein for normal contributions, except that the annuity provided upon retirement of the member, by such contributions, plus credited interest, shall not be matched by the City and County, and instead, such annuity shall be deducted from the pension payable to such member on account of prior service. Only the remainder of such prior service pension shall be payable from contributions of the City and County. It is hereby declared to be the intent of this paragraph that the provisions for prior service credit contained herein would not have been enacted without the condition expressed herein requiring that any recipient of such prior service credit must actually pay the amount provided for herein in conformity with the provisions hereof. In absence of strict compliance with such provision for payment by the recipient, this paragraph shall be ineffective. (Added by Ord. 272-67, App. 10/17/67)

SEC. 16.29-15.12. DEFINITIONS — PRIOR SERVICE IN A PART-TIME POSITION. Prior service, as applied to persons who are members under Section 8.507 of the Charter on the effective date of this ordinance or who retired on or after July 1, 1973, as members under Section 8.507, and who were excluded from membership because of their employment in City and County service in a part-time position, shall mean aggregate City and County service, regardless of breaks in such service, rendered while so excluded on account of such employment. Such part-time service shall be credited only under the condition that it can be verified from a regular City and County payroll or time roll; provided, however, that if it is determined by the Retirement Board that payrolls or time rolls relating to such service were not prepared or have been lost or destroyed, the Retirement Board may determine the periods of such service and the compensation attributable thereto upon presentation of such evidence as it considers appropriate and reliable.

As an exception to the provisions contained in Section 16.63 of this Code, however, service shall be credited under this Section only if the member so elects on or before February 7, 1975, in the event he is a member on said effective date or in the event he retired on or after July 1, 1973, and, prior to said effective date, or within 90 days after date of membership in the event he becomes a member after the effective date of this Section, and does contribute in a manner and at times approved by the Retirement Board, an amount equal to contributions determined by applying to the compensation earned by him in such service the rate of contribution first applicable upon commencement of his membership in the Retirement System, together with the interest which would have accrued on such contributions if they had been made on the effective date of his membership, from that date until completion of payments of those contributions at the rate of interest currently being used from time to time under the system.

All contributions made pursuant to this Section shall be administered in the manner provided herein for normal contributions, except that the annuity provided upon retirement of the member, by such contributions, plus credited interest, shall not be matched by the City and County, and instead, such annuity shall be deducted from the pension payable to such member on account of prior service, and only the remainder of such prior service pension shall be payable from contributions of the City and County.

It is hereby declared to be the intent of this Section that the provision for prior service credit contained herein would not have been enacted without the condition expressed herein requiring that any recipient of such prior service must actually pay the amount provided for herein, in conformity with the provisions hereof; and, in the absence of strict compliance with such provision for payment by the recipient this Section shall be ineffective. (Amended by Ord. 210-75, App. 5/21/75)

SEC. 16.29-16. DEFINITIONS — REGULAR INTEREST. Regular interest shall mean interest at four percent per annum compounded at each June 30th, subject to the provisions of Section 16.37-2 of this Code, plus such additional interest as the Retirement Board may declare from year to year as provided herein. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-17. DEFINITIONS — RETIREMENT ALLOWANCE. Retirement allowance shall mean the pension plus the annuity. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-18. DEFINITIONS — RETIREMENT FUND. Retirement Fund shall mean the "San Francisco City and County Employees' Retirement Fund," as created and established in Section 16.39 of this Code. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-19. DEFINITIONS — RETIREMENT SYSTEM OR SYSTEM. Retirement System or system shall mean the "San Francisco City and County Employees' Retirement System," as created in Section 8.500 of the Charter. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-20. DEFINITIONS — SCHOOL DEPARTMENT. School Department shall mean the School District of the City and County. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-21. DEFINITIONS — TEACHER. Teacher shall mean any person employed by the School District of the City and County who is entitled also to retirement benefits provided by the state under the California Public School Teachers' Retirement Salary Fund or its successor. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-22. DEFINITIONS — CHARTER. The Charter shall mean the charter adopted by the voters of the City and County of San Francisco on March 26, 1931, and ratified by the Legislature on April 13, 1931. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.29-23. DEFINITIONS — GENDER AND NUMBER. Gender and number. Words used in the masculine gender shall include the feminine and neuter genders, and singular numbers shall include the plural, and the plural the singular. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.30. ELIMINATION OF CHARTER PROVISION EXCLUDING REMUNERATION EXCEEDING FIVE HUNDRED DOLLARS. The limitations to \$500 per month specified in Section 8.509 (A) and (H) (2) of the Charter, as amended, relating to compensation, average final compensation and the salary basis for teachers are hereby eliminated pursuant to the authority granted therein. (Ord. No. 9067 (1939), Sec. 2)

SEC. 16.30-1. MEANING OF "AVERAGE FINAL COMPENSATION." (a) The meaning of "average final compensation" as stated in Subsection (A) Section 8.509 of the Charter is hereby changed pursuant to the authority granted therein, and is hereby declared to be the average monthly compensation earned by a member during any year of credited service in the Retirement System in which his average earned compensation is the highest. The change in meaning of "average final compensation" provided herein shall be effective only with respect to retirement allowances which, under the provisions of said Section 8.509, are based upon average final compensation and which are first effective on or after January 1, 1972.

This Subsection (a) does not give any member or the beneficiary of any member, or his successors in interest, any claim against the City and County for an increase in any retirement allowance payable to or on account of any member whose retirement allowance was effective prior to January 1, 1972.

(b) Notwithstanding the provisions of Subsection (a) of this Section and only with respect to members whose service credit is determined pursuant to the provisions of Section 16.37-4.1 of this Code, "average final compensation" shall mean the average monthly compensation earned by such member in the months actually worked during the fiscal year in which his average monthly earned compensation is the highest. (Amended by Ord. 349-72, App. 12/11/72)

SEC. 16.31. OPTION OF SYSTEM MEMBER TO EXCLUDE PORTION OF SALARY. Any person who, on the effective date of this Section, is a member of the system under Sections 8.507 or 8.509 of the Charter, shall have the option, to be exercised in writing on a form furnished by the system and to be filed at the office of the system not later than 90 days after the effective date, of electing to have that part of his compensation which exceeds \$900 per month excluded for purposes of the Retirement System. With respect to such member who so elects, that part of his or her compensation which exceeds \$900 per month shall be excluded for Retirement System purposes. With respect to any member who does not so elect, no part of his or her compensation shall be excluded. (Ord. No. 9067 (1939), Sec. 2)

SEC. 16.32. BENEFITS NOT SUBJECT TO GARNISHMENT, ETC., AND ARE NONASSIGNABLE. The right of a person to a pension, an annuity or a retirement allowance, to the return of contributions, the pension, annuity or retirement allowance itself, any optional benefit, any other right or benefit accrued or accruing to any person under the provisions of this Article and the moneys in the fund created by this Article shall not be subject to execution, garnishment, attachment or any other process whatsoever and shall be unassignable, except as specifically provided by this Article. (Bill No. 1125, Ord. 4073 (C.S.), Sec. 5)

SEC. 16.33. COMPENSATION FOR WITNESSES APPEARING BEFORE BOARD. Any witness called by the Retirement Board in any proceedings before said board may be compensated for his time or reimbursed in the amount of expenses and loss of wages or salary suffered by him because of such call, as determined by rule of such board. (Ord. No. 1210 (1939), Sec. 1)

SEC. 16.34. TIME TO APPLY FOR BENEFITS AFTER DEATH OF MEMBER. Proceedings before the Retirement Board for the collection of benefits provided under the Retirement System, upon the death of a member or beneficiary, must be commenced within one year from the date of death, or from the date of appointment of a guardian or trustee of the person to whom the benefits would be payable, if such person is incompetent or under 21 years of age. (Bill No. 1125, Ord. No. 4073 (C.S.), Sec. 7)

SEC. 16.35. REHEARINGS — APPLICATION AND GROUNDS FOR FILING. (a) The Retirement System staff, any applicant, or any beneficiary may

file an application for rehearing of any application whether for a benefit hereunder or retirement, within 30 days after written notice of the determination by the Retirement Board has been sent by registered mail to the applicant or the applicant's attorney of record, upon any of the following grounds.

(1) That the Retirement Board acted without and in excess of its powers;

(2) That the evidence does not justify the determination of the Retirement Board;

(3) That new evidence has been discovered which is material and which could not, with reasonable diligence, have been discovered or procured at the hearing.

(b) The Retirement Board may grant a rehearing at any time when an order, decision or award was procured by fraud.

(c) This Section shall be operative through September 30, 1980 and thereafter the provisions of Charter Section 8.518 shall prevail. (Amended by Ord. 347-80, App. 7/3/80)

SEC. 16.36. REHEARINGS — DETERMINATION WHEN APPLICATION IS DEEMED DENIED. The determination of the Retirement Board on any application for rehearing shall be made within 60 days after the filing thereof, or the application shall be deemed denied and such determination shall be denied. Such determination shall be final and conclusive and it shall have no jurisdiction to entertain any subsequent application regarding the same matter. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 9)

SEC. 16.37. POWERS AND DUTIES GENERALLY OF RETIREMENT BOARD. The management and control of the Retirement System shall be vested in the Retirement Board as provided in Section 3.671 of the Charter. The Board shall exercise the powers and perform the duties conferred on it by the Charter and by other sections of this Code, and in addition thereto as set forth in Sections 16.37-1 through 16.37-7. (Amended by Ord. 299-64, App. 11/9/64)

SEC. 16.37-1. INTEREST AND CONTRIBUTIONS. The Retirement Board shall credit contributions of members, or beneficiaries; and of the City and County with interest at the rate of four percent per annum, compounded on June 30th of each year, subject to the provisions of Section 16.37-2 of this Code. The Board, however, at the end of each fiscal year, may credit to all contributions held in the Retirement Fund at the end of such fiscal year such additional interest as it may deem proper in the light of the earnings on the Retirement Fund during such fiscal year; provided that the total interest credited to contributions during any fiscal year shall not exceed the earnings on the Retirement Fund during that year; and provided further, that interest at the rate of four percent per annum, compounded annually, shall be used in the calculation of benefits under any mortality table adopted by the Board, subject to the provisions of Section 16.37-2 of this Code, regardless of any additional interest allowed on contributions under this paragraph.

The Retirement Board, by means of a dividend payment method, may distribute annually to those persons receiving allowances from the Retirement System — which are not subject to change when the salary rates of active members change and which at the close of the next preceding fiscal year had been in effect for

at least one year — a part or all of the net interest earnings in excess of the assumed earnings during the preceding fiscal year on the Retirement Fund except earnings upon the accumulated contributions of active members; provided, however, that no such distribution shall be made of that part of said excess interest earnings as is required to maintain the contingency reserve against adverse mortality at an amount equal to two percent of the total assets of the Retirement System at the close of the next preceding fiscal year. (Amended by Ord. 74-67, App. 3/8/67)

SEC. 16.37-2. ACTUARIAL VALUATION. The Retirement Board shall keep in convenient form such data as shall be necessary for the actuarial valuation of the Retirement System. As of June 30, 1933, and thereafter at intervals of not to exceed six years, the Board shall make an actuarial investigation into the mortality, service and compensation experience of the members and beneficiaries; and further shall make an actuarial valuation of the assets and liabilities of the Retirement System. From time to time, the Board shall determine the rate of interest being earned on the retirement fund. Upon the basis of all or any such investigation, valuation and determination, the Board shall:

(a) Adopt for the retirement system such interest rate and such mortality, service and other tables, or any of such items, as shall be deemed necessary.

(b) Make such revision in the rates of contribution under the Retirement System as shall be deemed necessary to comply with Section 16.51 of this Code. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.37-3. RECORDS AS TO ACCUMULATED CONTRIBUTIONS. In addition to the other records and accounts, shall keep such records and accounts as shall be necessary to show at any time:

(a) The total accumulated contributions of members.

(b) The total accumulated contributions of retired members less the annuity payments made to such members.

(c) The accumulated contributions of the City and County held for the benefit of members on account of service rendered as members of the Retirement System.

(d) All other accumulated contributions of the City and County, which shall include the amounts available to meet the obligation of the City and County on account of benefits that have been granted and on account of prior service of members. A portion of the accumulated contributions of the City and County — previously held for the benefit of members (excluding persons who are members under Section 8.540 and 8.565 of the Charter), on account of service rendered as members of the Retirement System, equal to the accumulated normal contributions withdrawn by a member, or paid to a beneficiary upon the death of a member or applied to purchase an annuity upon the retirement of a member, except the accumulated normal contributions for time on and after July 1, 1965, of members who exercise a valid election provided for in Section 16.70-1 of this Code — shall thereafter be included in the amounts available to meet the obligation of the City and County on account of benefits that have been granted and on account of prior service of members. No transfer of accumulated contributions of the City and County shall be made on account of the withdrawal of accumulated contributions by a person who is a member under Sections 8.540 or 8.565 of the Charter; but upon

the death or retirement of such a member, accumulated contributions of the City and County — previously held for the benefit of such member, actuarially equivalent to that portion of the benefit granted to him or to his beneficiary, which is chargeable to service rendered as a member of the Retirement System — shall thereafter be included in the amounts available to meet the obligation of the City and County on account of benefits that have been granted and on account of prior service of members. (Amended by Ord. 65-65, App. 3/19/67)

SEC. 16.37-4. FIXING BENEFITS, ALLOWANCES FOR DISABILITY, ETC. The Retirement Board shall determine the City and County service rendered by members and shall fix and may modify allowances for service and disability and fix other benefits. Except for the fiscal year in which retirement becomes effective, with respect to members under Section 8.509 of the Charter and regardless of the effective date of retirement, with respect to all other members, one year and proportionate parts thereof shall be credited on the basis of not more than 250 nor less than 220 days of City and County service rendered by per diem employees, on the basis of 10 months or more of City and County service rendered by monthly employees and on the basis of the receipt of 10/12ths of the annual salary received by teachers, but not more than one year shall be credited for all service in any fiscal year. For the fiscal year in which retirement becomes effective, and with respect only to members under Section 8.509 of the Charter, one year and proportionate parts thereof shall be credited on the basis of the average number, as determined by the Retirement Board, of days or hours ordinarily worked per year by persons in the same group or class of positions as the positions held by per diem or hourly employees during such fiscal year. Twelve months or more of City and County service rendered by monthly employees, and 12/12th of the annual salary received by teachers, but not more than one year, shall be credited for all service in any fiscal year. Time during which a member was or shall be absent from City and County service without pay shall not be allowed in computing service, except as provided in Section 16.29-8 of this Code. (Added by Ord. 299-64, App. 11/9/64)

SEC. 16.37-4.1. DETERMINATION OF SERVICE CREDIT FOR CERTAIN EMPLOYEES OF THE SAN FRANCISCO UNIFIED SCHOOL DISTRICT. Notwithstanding the provisions of Section 16.37-4 of this Code, service credit under the retirement system shall be determined in accordance with the provisions of this Section for those persons employed by the San Francisco Unified School District in positions whose normal work schedule consists of eight hours per day, five days per week and is limited to the school term.

Except for the fiscal year in which retirement becomes effective, one year and proportionate parts thereof shall be credited on the basis of not more than 12 months nor less than nine months of City and County service, but not more than one year shall be credited for all service in any fiscal year.

For the fiscal year in which retirement becomes effective, one year and proportionate parts thereof shall be credited on the basis of 12 months, but not more than one year shall be credited for all service in any fiscal year.

Time during which such a member was or shall be absent from City and County service without pay shall not be allowed in computing service, except as provided in Section 16.29-8 of this Code.

The provisions of this Section are hereby declared to be retroactive with respect to service rendered prior to the effective date of this Section in positions whose normal work schedule consists of eight hours per day, five days per week and is limited to the school term by persons employed in such positions on or after July 1, 1972. (Amended by Ord. 349-72, App. 12/11/72)

SEC. 16.37-5. PRIOR SERVICE CREDIT. Credit for prior service shall be granted to each member who has rendered prior service as defined in Section 16.29-15.5 of this Code, and who entered the Retirement System prior to March 31, 1954, and to each member who has rendered prior service as defined in Sections 16.29-15.6, 16.29-15.7, 16.29-15.8, 16.29-15.9 or 16.29-15.10 of this Code and who has not failed to redeposit accumulated contributions withdrawn by him subsequent to such service, and to each member who has rendered prior service defined in Sections 16.29-15.1, 16.29-15.2, 16.29-15.3 and 16.29-15.4 of this Code, and who entered the Retirement System on January 8 or 9, 1932, except as provided in Sections 16.47 and 16.74 of this Code for re-entrants; and, except further, that any such member who has failed to redeposit accumulated contributions withdrawn by him from the San Francisco City and County Employees' Retirement System shall receive credit for such prior service only if, upon being notified by the Retirement Board, he makes such redeposit in the same manner as provided in Section 16.47 of this Code for persons re-entering City and County service. However, prior service so credited shall be the basis for a retirement allowance or benefit as provided herein only if membership continues unbroken until retirement on a retirement allowance or until the granting of such other benefit; provided, that a termination of membership by the withdrawal of accumulated contributions followed by the redeposit of such contributions upon re-entrance into City and County service shall not constitute a break in membership. (Amended by Ord. 79-65, App. 4/7/65)

SEC. 16.37-6. CALCULATION OF SERVICE CREDIT. The method, heretofore used under the San Francisco City and County Employees' Retirement System in calculating the amount of City and County service to be credited to members, in fixing disability and service retirement allowances and other benefits, in determining effective dates of membership in the Retirement System and in calculating members' contributions to the Retirement System, based upon the assumption that teachers, subsequent to first entering into their duties, are in City and County service throughout that part of the interims between school terms, during which they have been or shall be paid salary installments, is hereby approved solely for the purposes hereof and regardless of the status of such teachers under the state law. No adjustments affecting teachers under the Retirement System shall be made on the basis of payment of teachers' salaries in other than 12 monthly installments; provided, however, that this paragraph shall not prevent adjustments prior to termination of membership in the Retirement System, in contributions because of underpayments or overpayments of salary, nor shall it prevent the Retirement Board from modifying the method referred to in the first sentence of this paragraph, in the event that teachers' salaries shall be paid in other than 12 monthly installments, but such modification shall apply only to City and County service rendered thereafter. (Amended by Ord. 299-64, App. 11/9/64)

SEC. 16.37-7. CALCULATION OF SERVICE CREDIT BASED ON PART-TIME SERVICES. In determining the credit to be granted for services rendered on a part-time basis, for the purposes of calculating retirement allowances, the service shall be reduced to a full-time basis according to the service required in the next preceding paragraph for credit for one year of service, in calculating benefits based on service so determined, compensation earnable shall be taken as the compensation which would be earnable if the employment had been on a full-time basis; and with a compensation derived by multiplying the member's compensation by the ratio of full time to the time he was required by his employment to engage in his duties. In calculating the credit to be granted for service rendered on a part-time basis, for purposes of determining qualifications for retirement, the service required in the next preceding paragraph for credit for a year of service shall not be used, but instead, a year of service shall be credited for each year during which the member was employed throughout the year on a part-time basis and was engaged in his duties the full amount of time he was required by his employment to be so engaged. Credit for fractional years shall be granted to the extent of the fraction derived by dividing the time during which the member was engaged in his duties within the years, by the time he was required by his employment to be so engaged. (Amended by Ord. 299-64, App. 11/9/64)

SEC. 16.37-8. EXCESS RETIREMENT BENEFITS. (a) Whenever any person has been paid retirement benefits in excess of that which he was entitled to receive, by reason of excess earnings in gainful occupation after retirement, such person, upon demand of the Retirement Board, shall pay back into the Retirement Fund such excess.

(b) The full amount of such retirement benefits paid in excess of that which such person was entitled to receive shall be repaid to the Retirement Fund in one sum immediately upon demand, provided that the Retirement Board may permit the repayment to be made in installments where it finds that repayment in one sum immediately would cause undue hardship on such person.

(c) Funds received as repayment of such excess shall be returned to the account from which the excess was paid.

(d) The Retirement Board may authorize and direct the withholding of any and all benefit payments to such person until the full amount of such excess has been repaid. Where benefit payments are not withheld, while installment repayments are permitted by the Retirement Board, should the person fail or neglect to promptly pay any installment when due the Retirement Board at its discretion may forthwith authorize or direct the withholding of any and all further benefit payments to such person until repayment is made of the full amount of the excess or the full amount of the unpaid installments.

(e) The City Attorney is hereby authorized and directed to take such action against such person, upon request of the Retirement Board, as may be necessary to effect full recovery of any such excess. (Added by Ord. 96-63, App. 5/2/63)

SEC. 16.37-9. POWER TO ISSUE SUBPOENAS. The Retirement Board shall have the power and authority to compel the attendance of witnesses and the production of books, papers, testimony and other evidence before it by subpoena in connection with any inquiry, matter, proceeding or hearing by or before the Board.

The subpoenas herein provided for shall be issued in the name of the Retirement Board by the Secretary of the Retirement Board, or, in his absence, by the acting Secretary.

Any person refusing to obey such subpoena or to produce such books, papers, testimony or other evidence shall be deemed in contempt and subject to proceedings and penalties as provided by general law in such instances. (Added by Ord. 292-62, App. 11/20/62)

SEC. 16.38. ESTIMATES BY BOARD OF LENGTH OF SERVICE, ETC. If it shall be impracticable for the Retirement Board to determine from the records the length of service, the compensation or the age of any members, the Board may estimate, for the purposes hereof, such length of service, compensation or age. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 13)

SEC. 16.39. SAN FRANCISCO CITY AND COUNTY EMPLOYEES' RETIREMENT FUND. (a) **Created; Composition; Control.** A fund is hereby created and established to be known as the San Francisco City and County Employees' Retirement Fund and to consist of all the moneys paid into it as herein provided, whether such moneys shall take the form of cash, securities or other assets. The Retirement Board shall have exclusive control, as provided in Section 3.671 of the Charter, of the administration and investment of the fund.

(b) **Deposits of Cash of Fund.** The Retirement Board may deposit cash belonging to the Retirement Fund in any licensed national bank in the state or in any banks authorized or licensed to do a banking business, and organized under the laws of this state, subject to the provisions of Section 6.311 of the Charter.

(c) **Custodian; Payments from Fund.** The Treasurer shall be the custodian of the Retirement Fund under the provisions of Section 6.310 of the Charter, subject to the exclusive control of the Retirement Board as to the administration, deposit and investment of the fund. Payments from the fund shall be made by the Treasurer only upon warrant drawn by the Controller and no such warrant shall be drawn except in payment of claims or payrolls prepared and signed by the Secretary of the Retirement Board.

(d) **Payment of Interest into Fund.** Interest on any cash and on any investments constituting a part of the fund shall be paid into the fund as received.

(e) **Restrictions on Interest.** Except as herein provided, no member or employee of the Retirement Board shall have any interest, direct or indirect, in the making of any investment, or in the gains or profits accruing therefrom. No member of the Retirement System and no member or employee of the Board, directly or indirectly, for himself or as an agent or partner of others shall borrow any of its funds or in any manner use the same, except to make such current and necessary payments as are authorized by the Board; nor shall any member or employee of the Board become an endorser or surety or become in any manner an obligor for moneys invested by the Board. (Bill No. 1125, Ord. No. 4073 (C.S.), Sec. 15)

SEC. 16.40. TRANSFER OF OTHER FUNDS AND RECORDS. All assets and all records of the San Francisco City and County Employees' Retirement System, the Police Relief and Pension Fund and the Firemen's Relief Fund, which

were transferred on January 8, 1932, to the Retirement System, shall be held for the same purpose as under the Retirement System or fund from which they were transferred. Beneficiaries nominated in such records are to continue until changed as provided by this Article. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 17)

SEC. 16.41. CONTROLLER'S ANNUAL AUDIT. The Controller of the City and County shall annually make an audit of the Retirement System. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 18)

SEC. 16.42. PERSONS INCLUDED IN SYSTEM. With the exception of those employees who are excluded from membership as provided in Section 16.43 of this Code, all employees shall become members of the Retirement System as follows:

(a) **Employees Who Were Members of Previous Systems.** Every employee who was a member of the San Francisco City and County Employees' Retirement System, a member of the Police or Fire Department, at 12:00 noon on January 8, 1932, or an employee of the Board of Trustees of the Police Relief and Pension Fund on such date, the date upon which the Retirement System became effective, shall be a member of the Retirement System from that date.

(b) **Employees in City and County Service at 12:00 Noon, January 8, 1932.** Every employee in City and County service at 12:00 noon on January 8, 1932, and not already a member under paragraph (a) of this Section, became a member of the Retirement System on January 9, 1932; provided, that such employee was certified from a civil service list for permanent employment, was employed by one of the offices referred to in the second sentence of Section 8.500 of the Charter or was a teacher; otherwise, such employee became a member of the Retirement System upon the completion of six months of City and County service, uninterrupted by a break of more than one month.

(c) **Employees Subsequent to January 8, 1932.** Every other employee who shall enter City Service after January 6, 1932, shall become a member of the Retirement System on the date of such entry; provided, that such employee is certified from a civil service list for permanent employment; or is a teacher; or is certified to a permanent limited tenure position and has actually entered into City and County service in such position; or is appointed to a full-time permanent, civil service exempt position; provided, that attorneys and physicians in noncivil service positions who resign and withdraw their contributions from the Retirement System within 60 days of the date upon which they would normally be required to retire because of age shall not become members of the Retirement System at any later date if they are subsequently appointed to noncivil service positions for employment in their professional capacity to perform duties included within their professions, but exclusive of any administrative or executive positions for which such professional status constitutes only part of the qualifications therefor, provided further, that any persons occupying the position of director of any art gallery or memorial museum of the City and County who resign and withdraw their contributions from the Retirement System within 60 days of the date upon which they would normally be required to retire because of age shall not become members of the Retirement System at any later date, if they are subsequently appointed to the position of director of any art gallery or memorial museum of the City and County;

and further provided that any person — occupying the office of Chief Administrative Officer who resigns and withdraws his contributions from the Retirement System within 60 days of the date upon which such person would normally be required to retire because of age — shall not become a member of the Retirement System at any later date if such person is subsequently appointed to the office of Chief Administrative Officer, but thereafter such person shall not occupy that office on or after January 1, 1977; and further provided, that for the purposes of this paragraph, resignation and withdrawal of contributions shall be deemed complete when the occupant of any such position or office shall have tendered a resignation and made application for return of Retirement System contributions. If the medical examination required of such permanent civil service employees or teachers shall be unsatisfactory to the Retirement Board, the Board may require such employees to complete six months of City and County service uninterrupted by a break of more than one month as a requisite to membership in the Retirement System. (Amended by Ord. 466-76, App. 12/3/76)

SEC. 16.43. PERSONS EXCLUDED FROM SYSTEM. The following employees shall not be members of the Retirement System:

- (a) Elective officers and members of boards and commissions;
- (b) Employees not then already members, rendering City and County service in any type of temporary appointment;
- (c) Inmates of City and County institutions who are allowed compensation for such service as they are able to perform;
- (d) Persons in City and County institutions principally for the purpose of training, but who receive compensation;
- (e) Persons employed under contract for a definite period and for the performance of specific duties requiring professional or high technical skill;
- (f) Employees, not then already members, and not certified from civil service lists for permanent employment, serving on a part-time basis or as substitutes; provided, that attorneys employed in the office of the City Attorney, District Attorney or Public Defender on monthly compensation, and surgeons employed in the Emergency Hospital Service, Department of Public Health, on a monthly compensation and required to keep regular hours at least every day except holidays in offices maintained by the City and County shall not be prevented under this paragraph from being members;
- (g) Any employee on the Hetch Hetchy Project, who by ordinance has been excluded from membership in any Retirement System established by the City and County, and who, while so employed, has or shall become a member of such a Retirement System through any change in status occasioned by a transfer or assignment to other employment or by amendment to a retirement law, shall receive credit for service with the City and County rendered prior to the date he enters the Retirement System, including service as an employee of the Hetch Hetchy Project, in the same manner as credit for prior service is granted to other members;
- (h) Employees not then already members, engaged outside the City and County by the Public Utilities Commission on construction work; provided, that employees who shall complete or have completed two years of continuous service

in such construction work, and employees on such construction work, certified by the Public Utilities Commission as being in a permanent status, shall not be prevented under this paragraph from being members of the Retirement System;

(i) Persons in City and County service on June 28, 1922, who had not at that time affirmatively exercised the option of becoming members of the Retirement System as then provided and whose compensation then equaled or exceeded \$500;

(j) Persons who are or shall be employed in places of employment created by special appropriation to relieve any employment emergency declared by the Board of Supervisors as set forth in Section 8.333 of the Charter. (Amended by Ord. 271-67, App. 10/17/67)

SEC. 16.43-1. PRIOR SERVICE CREDIT; EMPLOYEES ON HETCH HETCHY PROJECT. Any employee on the Hetch Hetchy Project, who by ordinance has been excluded from membership in any Retirement System established by the City and County and who has or shall become a member of such a Retirement System by virtue of certification from a civil service list for permanent employment shall receive credit for service rendered as an employee of the Hetch Hetchy Project prior to the date he enters the Retirement System, in the same manner as credit for prior service is granted to other members and regardless of any lapse of time between termination of his service on the Hetch Hetchy project and certification for permanent employment; provided that such prior service credit shall be available to any such employee who is rendering City and County service on May 31, 1965, even though he thereafter be retired prior to the effective date of this ordinance. (Added by Ord. 272-65, App. 11/5/65)

SEC. 16.44. DEPARTMENT HEAD TO NOTIFY OF CHANGE OF STATUS OF MEMBERS. It shall be the duty of the head of each office or department to give immediate notice in writing to the Retirement Board of the change in status of any member in his office or department resulting from transfer, promotion, leave of absence, resignation, reinstatement, dismissal, death or other cause. The head of each office or department shall furnish such other information concerning any member as the Board may require. (Bill No. 1125; Ord. No. 4.073 (C.S.), Sec. 24)

SEC. 16.45. DUTIES GENERALLY OF MEMBERS AND BENEFICIARIES. Each member and beneficiary shall be subject to all the provisions of this Article and to all rules and regulations adopted by the Retirement Board and shall furnish to the Board such information affecting his status as a member or beneficiary of the system as the Board may require. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 25)

SEC. 16.46. WHEN MEMBERSHIP CEASES. Should the City and County service of any member, in any period of 10 consecutive years, amount to less than five years, or should he die or be retired, or should he be paid more than one-quarter of his accumulated normal contribution, or if he be a member who does not contribute as provided in Section 16.50 of this Code, should he resign or be discharged, he shall thereupon cease to be a member. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 26)

SEC. 16.47. WITHDRAWALS AND REDEPOSITS. Should the City and County service of a member be discontinued, except by death or retirement, he shall be paid not less than six months after the date of discontinuance such part of his accumulated contributions as he shall demand; provided, that if in the opinion of the Retirement Board the member is permanently separated from City and County service by reason of such discontinuance, he shall be paid forthwith all of his accumulated contributions; provided, further, that the Retirement Board may in its discretion withhold for not more than one year after a member last rendered City and County service all or part of his accumulated normal contributions, if after a previous discontinuance of City and County service he withdrew all or part of his accumulated normal contributions and failed to redeposit such withdrawn amount in the Retirement Fund as provided in this Section.

Any member who re-enters the Retirement System at an age less than the age for compulsory retirement applicable to him; but not otherwise, and after termination of membership because of previous withdrawal of his accumulated contributions, may elect, at any time prior to his retirement, to redeposit in the Retirement Fund, in a lump-sum or in not to exceed 36 monthly or 72 semi-monthly payments: (1) an amount equal to the accumulated contributions that he has withdrawn at one or more terminations of service, but in reverse chronological order in which they occurred; (2) an amount equal to additional interest which would have been credited to his account at the date of the election, had such contributions not been withdrawn; and (3) interest on the unpaid balance of the amount payable to the Retirement Fund, beginning on the date of such election, at the rate of interest currently being used from time to time under the system. In no event, however, shall a monthly payment on the redeposit be less than \$20 and in no event shall the period for the making of installment payments extend beyond the effective date of retirement. Said election shall be made by written document filed in the office of the Retirement System prior to the effective date of retirement.

If a member shall not so elect, or having so elected subsequently does not make such redeposit, he shall re-enter as a new member without credit for any service, and his rate of contribution for future years shall be the normal rate provided for in Section 16.51 of this Code for his age at re-entrance, except that persons who are members under Section 8.540 of the Charter shall contribute as provided in Section 16.50 of this Code.

If a member elects to redeposit his accumulated normal contributions in accordance with this Section, his normal rate of contribution beginning on the first day of the calendar month following the date his election is filed in the office of the Retirement System shall be based on an age determined by adding the number of completed years of his absence from membership beginning with the earliest termination of his membership included in such redeposit, to the age upon which his normal rate of contribution, as it was prior to the termination, was based. His membership is the same as if it were unbroken by such termination.

If such member never failed to redeposit accumulated contributions withdrawn from the Retirement Fund; or, if he shall redeposit such accumulated contributions upon first re-entering hereafter, and not otherwise, then he shall receive credit for prior service in the same manner as persons who become members on January 8, 1932; provided, that members under Section 8.565 of the Charter shall receive credit for such prior service even though having withdrawn no

accumulated contributions they shall make no redeposit; in the event such redeposit is made by a person who is a member under Section 8.507 of the Charter, an amount equal to the accumulated normal contributions so redeposited, except accumulated normal contributions for time on and after July 1, 1965, of members who exercise a valid election provided for in Section 16.70 of this Code, shall again be held for the benefit of the member and shall no longer be included in the amounts available to meet the obligations of the City and County on account of benefits that have been granted and on account of prior service of members. (Amended by Ord. 363-69, App. 12/23/69)

SEC. 16.48. PAYMENTS AFTER RE-ENTRY INTO SYSTEM. Notwithstanding provisions in this Code to the contrary, any member of the San Francisco City and County Employees' Retirement System under Sections 8.507 or 8.509 of the Charter, who prior to January 1, 1953, elected upon one or more re-entries into the system after withdrawing his accumulated contributions from the Retirement Fund, not to redeposit such accumulated contributions, and who therefore re-entered the system as a new member without credit for any service and with a rate of contribution based on his age at such re-entry, may redeposit all of the withdrawn accumulated contributions not previously redeposited, in monthly payments, plus interest, at the respective interest rates used under the Retirement System from time to time since such re-entry, from the respective dates of re-entry to the date of payment; provided, that in no event shall any monthly payment on the redeposit, except the payment of the balance due, be less than three percent of the amount to be redeposited or 20 percent of the compensation earned during the month, whichever is the lesser. Any such member shall elect on or before the expiration of 180 days after the effective date of this Section to make or not to make such redeposit. Failure to elect shall be deemed an election not to redeposit.

If a member elects under this Section to make the redeposit and does not pay in full the amount due, the portion of the redeposit paid shall be refunded to him, and his status under the Retirement System shall be the same as if he had never elected under this Section to make such redeposit. The accumulated contributions standing to the credit of such member on the effective date of this Section and his rate of contribution shall not be affected by this Section.

If a member redeposits under this Section, his membership shall be the same as if he had redeposited at the time he first had the right to do so. If such redeposit is made by a member under Section 8.507 of the Charter, an amount equal to the accumulated normal contributions so deposited shall again be held for the benefit of the member and shall no longer be included in the amounts available to meet the obligations of the City and County on account of benefits that have been granted and on account of prior service of members. The contributions required of the City and County currently, as percentages of salaries of persons who are members under Section 8.509 of the Charter, shall be increased to percentages determined by the actuary as necessary to increase the reserve held by the Retirement System on account of miscellaneous members by an amount equal to the increase in liabilities under the system resulting from redeposits under this Section, by members under Sections 8.07 and 8.509 of the Charter. (Ord. No. 8081 (1939), Sec. 2)

SEC. 16.49. BENEFITS TO MEMBERS UNDER PRIOR SYSTEMS
CONTINUED. Any person who was receiving a retirement allowance or other

benefit on January 8, 1932, under the San Francisco City and County Employees' Retirement System, the Police Relief and Pension Fund or the Firemen's Relief Fund, shall continue to receive such retirement allowance or other benefit, subject to the provisions of this Article, to the provisions of Section 8.543 of the Charter or to the provisions of Section 8.565 of the Charter, respectively, governing the payment of retirement allowances or other benefits. Such retirement allowances or other benefits, however, shall be paid by the Retirement System beginning with January, 1932. (Bill No. 1125, Ord. 4073 (C.S.), Sec. 29)

SEC. 16.50. CONTRIBUTIONS OF FIREMEN AND POLICEMEN EMPLOYED BEFORE JANUARY 8, 1932. Each person who was a member of the Police Department on January 8, 1932, shall contribute \$2 to the Retirement System for each month, beginning with January, 1932, during any part of which he is in City and County service as such member. Persons who were members of the Fire Department on January 8, 1932, shall not be required to make any contribution to the Retirement System as such members. If, however, prior to July 1, 1932, any member of the Fire or Police Department exercised affirmatively the option provided in Sections 8.540 and 8.565 respectively, of the Charter, of becoming members of the Retirement System under the provisions of Sections 8.543 and 8.567 of the Charter, respectively, then he shall contribute, effective January 8, 1932, and on the basis of his attained age to the nearest year upon such date, to the Retirement System in accordance with Section 16.51 of this Code, any contributions made by him under the provisions of this Section being credited on the contributions required of him under Section 16.51 of this Code. Likewise, each member of the Police Department who exercised affirmatively the option provided in Section 8.540 of the Charter, as amended in 1935, shall contribute, on and after the effective date of such affirmative action and on the basis of his attained age to the nearest year upon such date, to the Retirement System in accordance with Section 16.51 of this Code. (Bill No. 1125, Ord. No. 4.073(C.S.), Sec. 31)

SEC. 16.51. COMPUTATION OF NORMAL RATES OF CONTRIBUTION. The normal rates of contribution of all other members shall be those adopted by the Retirement Board and shall be based on sex and nearest age at time of entry into the Retirement System, or nearest age at time of entry into the San Francisco City and County Employees' Retirement System, if members of that system, such normal rates to be such as will provide, on the basis of experience as interpreted by the actuary, an average annuity at age 55 for persons who are members under Section 8.567 of the Charter, equal to $\frac{3}{4}$ of one percent of the final compensation of such members, for each year of service as members, and an average annuity at age 62 for all other male members, equal to $\frac{2}{5}$ of one percent, and for all female members, equal to 586/1000ths of one percent of the final compensation of such members, for each year of service as members. The actual amount of annuity receivable, however, by a member upon retirement for service shall be the actuarial equivalent of his accumulated contributions as provided in Section 16.70 of this Code. The rates so adopted shall remain in full force and effect until revised or changed by the Retirement Board in the manner provided in Section 16.61 of this Code. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 32)

SEC. 16.52. EFFECT OF CHANGE OF POLICE OR FIRE DEPARTMENT MEMBER TO ANOTHER DEPARTMENT. If a person who is a member under Sections 8.540, 8.543, 8.565 or 8.567 of the Charter shall cease to be a member of the Police or Fire Department and shall be a member under any other section of the Charter; or, if the reverse be true; then the accumulated contributions standing to his credit or redeposited by him shall remain in his individual account. The rate of his contribution thereafter shall be the normal rate provided for in this Article for persons in his new group or class of employment and at his age when he first became a member, subject to Section 16.47 of this Code in the event he did not redeposit accumulated contributions withdrawn from the system. In the case of such person who shall cease to be a member under Sections 8.540 or 8.565 of the Charter, the accumulated contributions of the City and County held for his benefit on account of City and County service rendered after January 8, 1932, shall continue to be held for his benefit and applied at his retirement as provided in this Article. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 33).

SEC. 16.53. NORMAL RATES FOR YOUNG AND OLD MEMBERS. The normal rate of contributions established for age 61, or age 55 for members under Section 8.567 of the Charter, shall be the rate for any member who has attained a greater age before entrance into the Retirement System. In like manner, the normal rate of contribution established for age 20 shall be the rate for any member who enters the Retirement System at a lesser age. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 34)

SEC. 16.54. DEDUCTION OF MEMBERS' CONTRIBUTIONS; ACCEPTANCE OF CASH PAYMENTS. The Retirement Board shall certify to the head of the proper office or department and the Controller the normal rate of contribution for each member provided for in Section 16.51 and Section 16.70-1 of this Code, and the amount of contributions provided for in Section 16.50 and Section 16.70-1 of this Code. The head of such office or department or the Controller shall apply such rate of contribution to so much of the compensation of the member as does not exceed \$900 per month, if he be a person who affirmatively exercises the option provided in Section 16.31 of this Code, or to all of his compensation if he be a person who does not so exercise such option, to determine the amount to be contributed by each member, and shall furnish immediately to the Retirement Board a copy of each and every such payroll.

Each of such amounts shall be deducted by the Controller and shall be deposited by the Retirement Board in the Retirement Fund and shall be credited by the Retirement Board, together with regular interest, to the individual account of the member for whom the contribution was made. The Retirement Board, however, may accept cash payments by any member of amounts necessary to correct or adjust the contribution account of such member, the amount so accepted to be deposited and credited in the same manner as if deducted on a payroll and the Controller to be notified of such payment.

Every member shall be deemed to consent and agree to the contribution made and provided for by this Article, and shall receipt in full for his salary or compensation, and payment less such contribution shall be a full and complete discharge and acquittance of all claims and demands whatsoever for the services rendered by such

person during the period covered by such payment, except his claims to the benefits to which he may be entitled under the provisions of this Article. (Amended by Ord. 65-65, App. 3/19/65)

SEC. 16.55. ADDITIONAL CONTRIBUTIONS. Any member, except persons who are members under Sections 8.540 and 8.565 of the Charter, may elect to contribute at rates in excess of those provided in this Article for the purpose of providing additional benefits, but the exercise of this privilege by a member shall not place on the City and County any additional financial obligation. The provisions of Section 16.54 of this Code shall apply also to additional contributions. The Retirement Board, upon application, shall furnish to such member information concerning the nature and amount of additional benefits to be provided by such additional contribution. (Bill No. 1125, Ord. No. 4073 (C.S.), Sec. 36)

SEC. 16.55-1. DEFINITION OF "PUBLIC SERVICE." As used in Sections 16.55-1 to 16.55-4, inclusive, "public service" means:

(a) Civilian service rendered as an employee or officer of an agency of the government of the United States;

(b) Civilian service rendered as an employee or officer of the State of California; and

(c) Service rendered as an employee or officer of a public agency in the State of California which, with respect to such service, maintains a locally administered retirement system or is entitled to participate in the Public Employees' Retirement System of the State of California under a contract between such public agency and the Public Employees' Retirement System.

For the purposes of this Section, a person shall be considered as being in public service only while he is receiving compensation from the public agency of which he is an employee or officer.

"Public service," as used herein, does not include service as defined in Subdivisions (a), (b) or (c) of this Section with respect to which a person became a member of any other retirement system supported wholly or in part by public funds and with respect to which he continues to receive credit in such other system or with respect to which he is entitled to receive a retirement allowance under such other system. (Added by Ord. 171-70, App. 5/28/70)

SEC. 16.55-2. ELECTION TO CONTRIBUTE AND RECEIVE CREDIT FOR PUBLIC SERVICE. Any member of the Retirement System under Section 8.509 of the Charter who was in public service prior to becoming a member of this retirement system shall have the right to elect to make contributions pursuant to Section 16.55-3 of this Code and to receive credit in this system as City and County service for all or any part of the time he was in such public service; provided, that a member so electing must elect to receive credit for no less than six months of such public service or all of his public service where the total period of his public service is less than six months.

Said election shall be made in writing on a form provided by the Retirement System. Said election may be made only during the period commencing August 1st and ending October 31st of each year; provided, however, that a member may make such election at any time during the 90 days immediately preceding the effective date of his retirement.

The amount of public service for which a member elects to contribute and the fact that he is not entitled to receive credit in another retirement system by virtue of such service must be certified to by an officer of the public agency to which he rendered such public service or of the retirement system of which he was a member with respect to such service, or must otherwise be established to the satisfaction of the Retirement Board. (Added by Ord. 171-70, App. 5/28/70)

SEC. 16.55-3. CONTRIBUTIONS FOR PUBLIC SERVICE CREDIT.

Any member of the Retirement System under Section 8.509 of the Charter, who elects, pursuant to Section 16.55-2 to make contributions and receive credit as City and County service for all or any part of the time he was in public service, shall contribute to the Retirement Fund an amount equal to the sum of:

(a) Contributions computed by applying the rate of contribution applicable to him on the date he elected to receive credit for such service to the monthly compensation earnable by him on said date multiplied by the number of months of public service for which he has elected to receive credit as City and County service;

(b) Contributions computed by applying the City and County's rate of contribution with respect to members under Section 8.509 on the date of such election to the monthly compensation earnable by such member on said date multiplied by the number of months of public service for which he has elected to receive credit as City and County service;

(c) With respect to public service rendered on and after July 1, 1969, contributions computed by applying to the monthly compensation earnable by such member on the date he elects to receive credit for such service the rates of contribution required by Section 8.526 (B) of members under Section 8.509 of the Charter if he had been a member of this system at the time he rendered such public service multiplied by the number of months of public service rendered on and after July 1, 1969, for which he has elected to receive credit as City and County service;

(d) With respect to public service rendered on and after July 1, 1969, contributions computed by applying to the monthly compensation earnable by such member on the date he elects to receive credit for such service the rates of contribution required of the City and County by Section 8.526 (B) of the Charter if he had been a member of this system at the time he rendered such public service multiplied by the number of months of public service rendered on and after July 1, 1969, for which he has elected to receive credit as City and County service; and

(e) In the case of members who make payment by other than lump-sum payment, interest on the unpaid balance of the amount payable into the Retirement Fund under this Section, commencing on the date of the member's election to make such contributions, at the rate of interest currently being used from time to time under the Retirement System.

Payment of the contributions required by this Section shall be made in a lump-sum or by installment payments over a period equal to the length of time for which the member has elected to receive credit for such public service. Installment payments shall be made at times and in a manner fixed by the Retirement Board; provided, that the period for completion of such payments shall not exceed five years nor extend beyond the effective date of the member's retirement.

Any member who elects to make such contributions by installment payments may, at any time during the period for making such installment payments, complete payment of such contributions by lump-sum payment.

Any member who elects to make such contributions by installment payments may, at any time prior to completion of payment of such contributions, revoke his election to make such contributions and to receive such credit in this system as City and County service for time during which he was in public service. Such revocation shall be in writing and shall be effective only if filed with the Retirement System. Upon such revocation of election, the Retirement System shall refund to the member all of the contributions which he has made pursuant to such election and said member shall thereafter not have the right to elect to receive credit for the public service which was the subject of said revoked election.

All contributions made pursuant to this Section, except those made pursuant to Subdivisions (c) and (d) of this Section, and the interest thereon shall be considered to be and shall be administered as contributions of the member made pursuant to Section 8.526 of the Charter. (Added by Ord. 171-70, App. 5/28/70)

SEC. 16.55-4. CREDIT IN RETIREMENT SYSTEM FOR PUBLIC SERVICE. Upon completion of payment of contributions in the amount specified in Section 16.55-3, the member shall be credited with City and County service in the amount of public service for which he has elected to receive credit as City and County service pursuant to Section 16.55-2. The City and County service with which the member is so credited shall be credited as current service. (Added by Ord. 171-70, App. 5/28/70)

SEC. 16.55-5. RULES AND REGULATIONS. The Retirement Board shall adopt such rules and regulations as may be necessary and appropriate to carry out the provisions of Section 16.55-1 through 16.55-4, inclusive, of this Code. (Added by Ord. 171-70, App. 5/28/70)

SEC. 16.56. WITHDRAWAL OF ACCUMULATED ADDITIONAL CONTRIBUTIONS MADE PURSUANT TO SECTION 16.55-5. Any person who is a member of the San Francisco City and County Employees' Retirement System and has made additional contributions pursuant to Administrative Code Section 16.55 shall have the right to elect, in writing on a form furnished by the system and to be filed at the office of said system, to withdraw forthwith all or any part of his accumulated additional contributions and to receive repayment in a lump sum; provided, however, that the right of withdrawal of said funds shall be limited to not more than three in number during said employee's tenure of employment in the City and County service and membership in the Retirement System. (Amended by Ord. 226-66, App. 9/1/66)

SEC. 16.57. CONTRIBUTIONS, ETC., OF MEMBERS EARNING MORE THAN FIVE HUNDRED DOLLARS PER MONTH PRIOR TO NOVEMBER 1, 1949. Each member who, prior to November 1, 1949, earned compensation of more than \$500 per month for City and County service rendered

while a member shall pay into the Retirement Fund, by lump sum payment or by payroll deductions over a period not exceeding 36 months from November 1, 1949: (1) Such additional amount as he would have contributed as a part of his normal contributions, based on service credited to him at such date, and assuming that the portion of the compensation earned by him which did not exceed \$700 per month was subject to normal contributions during the entire period of his membership in the system; and (2) an amount equal to the additional interest which would have been credited to his account had he made normal contributions to the Retirement Fund on his compensation earned in excess of \$500 per month and not in excess of \$700 per month, prior to November 1, 1949. Each such member may, at his option, contribute in a like manner all or any part of: (1) Such additional amount as he would have contributed as a part of his additional contributions; and (2) an amount equal to the additional interest which would have been credited to his account on such additional contributions, both the additional contributions and interest being calculated in the same manner and under the same assumptions as are stated in the preceding sentence for the calculation of the amount due from him on account of normal contributions. (Ord. No. 5834 (1939), Sec. 1)

SEC. 16.58. PAYMENT OF DEATH BENEFITS BEFORE DECEASED PAID IN TOTAL AMOUNT DUE UNDER OPTIONAL PAYMENTS. If a death benefit becomes payable because of a member's death, before the payment of the total amount the member elected or was required to pay under an optional payment or optional manner of payment provided in this Article with respect to normal contributions, his compensation not to exceed \$700 per month nevertheless shall be included in the computation of that portion of the death benefit which is provided in Paragraph (b) of Section 16.80 of this Code, and the unpaid balance of the total amount shall not be paid to the system. Any balance of the total amount remaining unpaid at the death of a member on account of which a death allowance is payable, or at his retirement for either service or disability, shall become due and payable forthwith. (Ord. No. 5725 (1939), Sec. 4)

SEC. 16.59. ADDITIONAL AMOUNTS TO BE PAID BY MEMBERS NOT EXERCISING OPTION PROVIDED BY SECTION 16.31. Each member who does not affirmatively exercise the option provided in Section 16.31 of this Code and who prior to May 1, 1955, earned compensation of more than \$900 per month for City and County service rendered while a member shall pay into the Retirement Fund, by lump sum payment or by payroll deductions over a period not exceeding 36 months from May 1, 1955: (1) Such additional amount as he would have contributed as a part of his normal contributions, based on service credited to him and assuming that all of the compensation earned by him was subject to normal contributions during the entire period of his membership in the system; and (2) an amount equal to the additional interest which would have been credited to his account had he made normal contributions to the Retirement Fund on his compensation earned in excess of \$900 per month prior to May 1, 1955. Each such member may, at his option, contribute in a like manner, all or any part of: (1) Such additional amount as he would have contributed as a part of his additional contributions; and (2) an amount equal to the additional interest which would have been credited to his account on such additional contributions, both the additional

contributions and interest being calculated in the same manner and under the same assumption as is stated in the preceding sentence for the calculations of the amount due from him on account of normal contributions. (Ord. No. 9067 (1939), Sec. 4)

SEC. 16.60. EFFECT OF DEATH OF MEMBER BEFORE PAYMENTS UNDER OPTIONAL PLANS. If a death benefit becomes payable because of a member's death, before the payment of the total amount the member elected or was required to pay under an optional payment or optional manner of payment, provided in this Article with respect to normal contributions, his compensation not to exceed \$900 dollars per month if he be a person who affirmatively exercises the option provided in Section 16.31 of this Code, or all of his compensation if he be a person who does not so exercise such option, nevertheless shall be included in the computation of that portion of the death benefit which is provided in Section 16.80 (b) of this Code, and the unpaid balance of the total amount shall not be paid to the system.

Any balance of the total amount remaining unpaid at the death of a member, on account of which a death allowance is payable or at his retirement for either service or disability, shall become due and payable forthwith. (Ord. No. 9067 (1939), Sec. 5)

SEC. 16.61. DETERMINATION OF MEMBERS' CONTRIBUTIONS AND PAYMENT BY CITY OF EQUAL AMOUNT. (a) After the close of each month the Retirement Board shall determine the aggregate amount of the normal contributions for such month, excluding contributions provided for in Section 16.50 of this Code, and the portions of such aggregate amount deducted from compensation paid from:

(1) Funds of operating public utilities, which shall include units of the Hetch Hetchy Project certified from time to time by the Public Utilities Commission as being completed and placed on a permanent operating basis.

(2) Bond funds not included under the preceding paragraph.

(3) Funds of the City and County School Department.

(4) County road funds.

(5) Other special funds.

(6) All other sources.

(b) There shall be paid to the Retirement Fund from each of the funds included under Subsection (a) of this Section, an amount equal to the total normal contributions deducted from compensation paid from such fund.

The Board shall certify to the Controller the amount of normal contributions deducted from compensation paid from all other sources as set forth in Paragraph (6), Subsection (a) of this Section, and the Controller shall charge an equal amount to the appropriation for the Retirement System in the budget for the then current fiscal year. Nothing in this Section, however, shall prevent the determination of the amount of normal contributions deducted from compensation paid from any fund, on payrolls carrying compensation from more than one fund, as being the amount which bears the same ratio to the total normal contributions deducted on such roll as the compensation paid from such fund bears to the total compensation paid from all funds on such roll. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 41)

SEC. 16.62. CITY CONTRIBUTIONS FROM FORMER POLICE FUND. The City and County shall pay to the Retirement System an amount equal to the contributions, improved with interest at the rate of four percent per annum, compounded at June 30th of each year, from the first day of the month following that for which the contribution was made to January 8, 1932, made to the Police Relief and Pension Fund by persons who were members of the Police Department on January 8, 1932.

The individual account of each of such persons shall be credited with that portion of such accumulated contributions, which is made up of contributions, with such interest, made by him to such fund. Any balance due under this Section from the City and County to the Retirement System on and after January 8, 1932, shall be improved with regular interest on and after that date. (Bill No. 1125, Ord. No 4.073 (C.S.), Sec. 42)

SEC. 16.63. CITY CONTRIBUTIONS FOR PRIOR SERVICE. There shall be paid into the Retirement Fund, by contributions of the City and County, the amounts necessary to pay all pensions and all other benefits allowable under the provisions of this Article to members on account of prior service, with the exception contained in Sections 16.29-15.5, 16.29-15.6, 16.29-15.7 and 16.29-15.8 of this Code. Until the amount accumulated in the Retirement Fund becomes not less than the present value of all amounts thereafter payable from the Retirement Fund, the amount due in each fiscal year to the fund under this Section shall be the amount payable from the fund in such fiscal year on account of prior service. Such portion of the amount as is annually due to the Retirement Fund on account of prior service rendered by persons as employees of municipally-owned operating public utilities, which shall include units of the Hetch Hetchy Project certified from time to time by the Public Utilities Commission as being completed and placed on a permanent operating basis, or on account of prior service rendered by persons as employees of the City and County School Department, shall be paid from the funds of such public utilities or from the funds of the City and County School Department, respectively; provided, that no amount due to the Retirement Fund on account of prior service rendered by persons receiving retirement allowances under the provisions of Subsection (c) of Section 8.507 of the Charter shall be paid from the funds of the City and County School Department. After the close of each month, the Board shall certify to the Controller the amount due to the Retirement Fund under this Section on account of prior service rendered by persons other than employees of such public utilities and the School Department, and the Controller shall charge an equal amount to the appropriation for the Retirement System in the budget for the then current fiscal year. (Amended by Ord. 299-64, App. 11/9/64)

SEC. 16.64. CITY CONTRIBUTIONS FOR ADMINISTRATIVE COSTS OF SYSTEM. The administrative costs of the Retirement System shall be met by contributions of the City and County. Such contributions shall be charged against the appropriation for the system in the budget for the then current fiscal year and paid from other funds as determined by the Controller on the basis of information furnished by the Retirement Board. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 45)

SEC. 16.65. CERTIFICATION AND CHARGE FOR BENEFITS NOT PROVIDED BY MEMBERS' CONTRIBUTIONS; RATIFICATION OF PRIOR PAYMENTS; RETENTION OF UNALLOCATED CONTRIBUTIONS. During each fiscal year the Retirement Board shall certify to the Controller the amount of benefits not provided by members' contributions and paid during such year by the Retirement System on account of service rendered on and after January 8, 1932, by persons as members of the system under Sections 8.540 and 8.565 of the Charter, and the Controller shall charge an equal amount to the appropriation of the Retirement System for that year. Contributions made by the City and County to meet such benefits paid prior to July 1, 1946, are hereby ratified and confirmed, and the accounts of the Retirement System shall be adjusted accordingly as of June 30, 1946. Any assets growing out of such contributions made by the City and County on account of such benefits, remaining unallocated after such adjustment, shall be retained by the Retirement System as a reserve against the obligation of the City and County on account of benefits that have been granted and on account of prior service of members. (Ord. No. 4203 (1939), Sec. 1)

SEC. 16.66. CONTRIBUTIONS FOR WORKERS' COMPENSATION. Commencing with the fiscal year which began July 1, 1932, and during each fiscal year thereafter, the Retirement Board shall determine, in the basis of payrolls, the amount of contributions required during such fiscal year of the City and County under the compensation, insurance and safety law of the state, as provided in this Section, such contributions to be segregated as to funds in the manner required for normal contributions in Section 16.61 of this Code. There shall be paid into the Retirement Fund from each of such funds an amount equal to the required contributions on account of compensation, as defined in this Article, paid from such fund. The Retirement Board shall certify to the Controller the amount of contributions required of the City and County under such law on account of compensation, as defined in this Article, other than that charged against such funds. The Controller shall charge an equal amount to the appropriation for the Retirement System for the then current fiscal year. Nothing in this Article shall prevent the determination of contributions under this Section by the use of average rates for groups or classes of employees, such average rates to be redetermined once during each fiscal year or at more frequent intervals if deemed necessary by the Retirement Board. Contributions required of the City and County during any fiscal year to make up deficits in contributions for fiscal years previous thereto, chargeable against funds no longer existing, shall be paid from the General Fund.

The Retirement Board shall pay from such amounts the premium required under risks reinsured with the State Compensation Insurance Fund and benefits under risks not reinsured. Amounts to be contributed by the City and County on account of risks assumed by it through the Retirement System may be based on the rates used by the State Compensation Insurance Fund, but such rates may be increased or decreased if a study of the practices and experience in any of the City and County's operations indicate such rates are not appropriate therefor; provided, that such contributions, if based on such rates, shall be calculated to carry all claims to maturity and to produce a reasonable reserve against the catastrophe hazard; or, such amounts to be contributed during each fiscal year by the City and County on risks assumed may be made equal to the benefits payable thereunder during such

year. Any excess in the contributions of the City and County above the amount necessary to meet the purposes for which they were calculated shall be credited or paid to the City and County. Any deficit in such contributions shall be made up by extra amounts to be included in the contributions required of the City and County during the fiscal year next following the determination of such deficit. Reserve funds shall be improved with regular interest. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 47)

SEC. 16.67. PAYMENTS INTO FUND MADE OBLIGATION OF CITY; APPROPRIATIONS TO COVER OBLIGATION. The payments of the City and County into the San Francisco City and County Employees' Retirement Fund, as provided in Sections 16.61 to 16.66 of this Code, and in Section 16.70-1 of this Code, are hereby made obligations of the City and County. There shall be appropriated, in the budget for each fiscal year, such amounts as are necessary to make such payments, less the portions to be paid from the several funds set forth in such sections, and the amounts so appropriated shall be provided for in the tax levy. Provision shall be made for the payment from the several funds of such amounts as shall be necessary to meet the obligations of the City and County under the Retirement System on account of employees whose compensation is or has been paid from such funds.

Funds appropriated annually to the Retirement System, other than from specific fund appropriations, shall first be applied to meet the requirements for fixed charges for current and prior service for the period for which such funds are appropriated; and second shall be applied to meet the accumulated obligations of the City and County to the Retirement System. (Amended by Ord. 65-65, App. 3/19/65)

SEC. 16.68. SERVICE RETIREMENT. Retirement of a member for service shall be made by the Retirement Board as follows:

(a) Each member (except persons who become members under Section 8.565 of the Charter) who has attained the age of 70 years in City and County service; or within four months after discontinuance of City and County service; or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of City and County service, shall be retired on the first day of the calendar month next succeeding that in which said member shall have attained the age of 70 years.

(b) Any member in City and County service — or within four months after discontinuance of City and County service; or while physically or mentally incapacitated for the performance of duty, if such incapacity has been continuous from discontinuance of City and County service — may retire upon written application to the Retirement Board, stating what time he desires to be retired; provided, that such member:

(1) If he be a member, under Section 8.540 of the Charter, shall be credited, at the time so specified for retirement, with 30 years of continuous service as a member of the Police Department, and shall have attained the age of 62 years.

(2) If he be a member, under Section 8.565 of the Charter, shall be credited, at the time so specified for retirement, with:

(A) Twenty-five years of continuous service as a member of the Fire Department, regardless of age; or,

(B) Twenty years of continuous service as a member of the Fire Department and shall have attained the age of 55 years.

(3) If he be a member under Section 8.543 of the Charter, shall be credited, at the time so specified for retirement, with:

(A) Twenty-five years of continuous service; and shall have attained the age of 62 years; or,

(B) Thirty years of continuous service; and shall have attained the age of 57 years.

(4) If he be a member under Section 8.567 of the Charter, shall be credited, at the time so specified for retirement, with:

(A) Twenty years of continuous service and shall have attained the age of 55 years; or,

(B) Thirty years of continuous service and shall have attained the age of 52 years.

(5) If he be a member under any other Charter provision, shall be credited, at the time so specified for retirement, with:

(A) Ten years of continuous service; and shall have attained the age of 62 years; or,

(B) Thirty years of continuous service; and shall have attained the age of 57 years. (Bill No. 1125, Ord. No. 4,073 (C.S.), Sec. 51)

SEC. 16.69. RETIREMENT AGE FOR MEMBERS UNDER SECTION 8.509 OF THE CHARTER. Each person who is a member of the Retirement System under Section 8.509 of the Charter shall be retired on the first day of the month next following the attainment by him of the age of 70 years during the 12 months ending June 30, 1948; the age of 69 years during the 12 months ending June 30, 1949; the age of 68 years during the 12 months ending June 30, 1950; the age of 67 years during the 12 months ending June 30, 1951; the age of 66 years during the 12 months ending June 30, 1952; and thereafter, following the attainment of the age of 65 years. Any such member who attains the age set forth in the preceding sentence as the compulsory age of retirement during any 12 months, prior to the beginning of such 12 months, shall be retired on the first day of such 12 months. (Ord No. 5088 (1939), Sec. 1)

SEC. 16.70. ALLOWANCES UPON RETIREMENT FOR SERVICE. A member, upon retirement for service as provided in Section 16.68 of this Code:

(a) If he be a member under Sections 8.540 or 8.565 of the Charter shall receive a retirement allowance as provided in such sections for members at January 8, 1932, of the Police and Fire Departments, respectively, upon service retirement as distinguished from disability retirement and death. Such retirement allowance shall be provided by the accumulated contributions credited to the member's individual account and by the City and County's contributions on account of prior service and on account of service as a member of the system, in proportions as determined by the Retirement Board.

(b) If he be a member under any other Charter provision, shall receive a retirement allowance, which shall consist of:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement;

(2) A pension, purchased by the contributions of the City and County, equal to that portion of the annuity purchased by the accumulated normal contributions of the member, and if he be a member who did not affirmatively exercise the option in Subsection (h) of Section 8.540 of the Charter, a pension which shall be the actuarial equivalent of the accumulated contributions of the City and County held for his benefit on account of City and County service rendered after January 8, 1932, as a member under Sections 8.540 or 8.565 of the Charter; and,

(3) An additional pension, purchased by the contributions of the City and County, which shall be equal to $1\frac{1}{3}$ percent or $1\frac{1}{2}$ percent if he be a member under Section 8.567 of the Charter, of his final compensation multiplied by the number of years of prior service credited to him, plus the number of years of City and County service credited to him as having been rendered from January 8, 1932, to the effective date of his affirmative acceptance of the option in Subsection (h) of Section 8.540 of the Charter, less an amount equal to the portion of the annuity purchased by accumulated contributions of the member made at the rate of \$2 per month; except that if a member (other than a person who has affirmatively exercised the option in Subsection (h) of Section 8.540 of the Charter) shall retire after 30 years of continuous service and before attaining the age of 62 years, or 55 years (if he be a member under Section 8.567 of the Charter), the additional pension shall be such — as can be purchased at the age of retirement by the actuarial value, at the age of retirement, of a pension, deferred to age 62 years — or 55 years, if he be a member under Section 8.567 of the Charter — equal to $1\frac{1}{3}$ percent or $1\frac{1}{2}$ percent if he be a member under Section 8.567 of the Charter, of his final compensation multiplied by the number of years prior service credited to him — provided, that in the calculation of any additional pension under this paragraph in the case of a member having credit for more than one class of prior service, that is, prior service as a teacher in the day schools, as a teacher in the evening schools or as an employee in any other position, separate additional pensions shall be calculated in a manner prescribed for each class of prior service, the final compensation in each case being that for the respective class of service.

(c) Any member who receives credit for prior service, and who is retired by reason of attaining the age of 70 years, shall receive on account of prior service such additional pension, purchased by the contributions of the City and County, as will make his total retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, not less than \$450 per year, unless such \$80 exceeds $\frac{1}{2}$ of his final compensation, in which event, his total retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, shall be not less than $\frac{1}{2}$ of his final compensation. (Bill No. 1125, by Ord. No. 4.073 (C.S.), Sec. 52)

SEC. 16.70-1. OPTIONAL ALLOWANCES UPON RETIREMENT. (a) Subject to the provisions of this Section, any person who is a member under Section 8.507 of the Charter may exercise an election on a form provided by the Retirement System and filed in the office of the system prior to July 1, 1965, to contribute to the Retirement Fund at the normal rate as provided in paragraph (c) of this Section and, further, to pay at times and in the manner fixed by the Retirement Board

retroactive contributions sufficient to make his accumulated contributions standing to his credit in the accounts of the system on June 30, 1965 equal to what these contributions would have been if he had contributed at his normal rates (as they would have been had he been a member under Section 8.509 of the Charter for time on and after July 1, 1947 and said contributions had been credited with regular interest through June 30, 1965, together with interest on the unpaid balance of such amount from July 1, 1965 to the date of payment.

(b) Effective on July 1, 1965, any person who exercises the election provided in this Section, and upon strict compliance with the provisions of this Section, but not otherwise, shall be entitled on or after his attainment of the age of 62 years to a service retirement allowance which shall be in lieu of the total retirement allowance provided in Section 16.70 of this Code and which, exclusive of benefits provided by additional contributions, shall be a service retirement allowance at the rate of $1\frac{2}{3}$ percent of the average monthly compensation earned by him during any five consecutive years of credited service in the Retirement System in which such average is the highest for each year of service credited to him in the Retirement System; or upon his retirement for disability as provided in Section 16.71 of this Code, such a member who, on the effective date of such retirement, has not attained the age of 62 years, shall receive a disability retirement allowance which shall be calculated in the manner prescribed in Section 16.72 of this Code, plus a pension provided by contributions of the City and County and equal to the annuity provided by his accumulated retroactive contributions.

(c) In lieu of the normal rate provided in Section 16.51 of this Code, the normal rate of contribution of each member exercising such election, as provided in this Section, for time on and after July 1, 1965, shall be based on his nearest age at the effective date of his membership in the Retirement System, and shall be the same as his normal rate of contribution would be if he were a member under Section 8.509 of the Charter.

(d) The City and County shall contribute to the Retirement System such amounts as may be necessary, when added to the contributions of such members, to provide the benefits payable to said members.

The service retirement allowance of each such member shall be apportioned between the allowance based on service rendered prior to July 1, 1965, and service rendered on and after said date. The portion of such allowance which shall be based on service rendered prior to said date and which is in excess of the allowance provided by the accumulated contributions of the City and County and of said member for time prior to said date including his accumulated retroactive contributions and interest thereon, shall be provided by contributions of the City and County which shall not be less during any fiscal year than the amount of such part of such allowance paid during such year, which is in excess of such annuity.

The portion of such allowances which shall be based on service rendered on and after said date, and which is in excess of the annuities provided by the accumulated contributions of said members for time on and after said date, shall be provided by contributions of the City and County for time on and after said date and interest credited thereon, which shall be in lieu of the contributions required of the City and County in Section 16.61 of this Code, and which shall be made in annual installments. The installment to be paid in any year shall be determined by the application of a percentage to the total salaries paid during said year to such

members, said percentage to be the ratio on July 1, 1965, or at a later date of a periodical valuation and investigation into the experience under the system as provided by the Board of Supervisors, of the value of such portion of said allowances thereafter to be paid to said members and which is in excess of the annuities provided by the said accumulated contributions of said members for time after said date, less the amount of contributions of the City and County and interest thereon then held by the system to provide said benefits, to the value at said respective dates of salaries thereafter payable to said members. Said values shall be determined by the actuary, who shall take into account the interest which shall be earned on said contributions, the compensation experience of members, and the probabilities of separation from service by all causes of members before retirement, and death of members after retirement. Said percentage shall be changed only on the basis of said periodical actuarial valuation and investigation into the experience under the system.

The benefits provided in this Section, however, shall not be applicable to any member who is not continuously in the status of a retired person for time beginning on a date not later than the first day of the month next following his attainment of the age of 70 years during the period ending June 30, 1966; the age of 69 years during the 12 months ending June 30, 1967; the age of 68 years during the 12 months ending June 30, 1968; the age of 67 years during the 12 months ending June 30, 1969; the age of 66 years during the 12 months ending June 30, 1970; and thereafter following the attainment of the age of 65 years; but, instead, such person shall be entitled to the benefits otherwise provided for members under Charter Section 8.507 by the provisions of this Code for persons who do not exercise the election provided in Paragraph (a) of this Section, in the same manner as though he had never made such election, and if he has contributed to the Retirement System pursuant to the provisions of this Section, the accumulated contributions standing to his credit in the system shall be adjusted by refund to him or payment by him to bring the account to the amount which would have been credited to it had the member never made such election and had not contributed in the manner prescribed by it.

For the purposes of this Section the phrase "status of a retired person" shall mean with respect to any person a status beginning on the effective date of a retirement allowance which the person is entitled to receive as a result of his valid application for such allowance, which was filed in the office of the system not later than the last day of the month in which such allowance becomes effective.

It is hereby declared to be the intent of this Section that the benefit provisions contained herein would not have been enacted without the conditions expressed herein requiring that to be eligible for such benefits, any member who positively exercises the election provided herein, must actually contribute as prescribed herein, and file an application for retirement within the time and in the manner provided herein, so as to place himself in the status of a retired person continuously for the time stipulated herein, in conformity with the provisions hereof, and in the absence of strict compliance with such provisions, that such election shall be void and of no effect, and that the member shall not be subject to the provisions of this Section; except that the accumulated contributions standing to his credit in the Retirement System shall be adjusted to what they would have been if he had not contributed in accordance with such election. (Added by Ord. 65-65, App. 3/19/65)

SEC. 16.70-2. COMPULSORY RETIREMENT. Any member under Section 8.507 of the Charter who is subject to compulsory retirement under said section, effective on a date after the effective date of Section 16.70-1 of this Code and prior to July 1, 1965, shall be entitled to the optional retirement benefits provided in said Section 16.70-1, upon his election prior to the effective date of his retirement and on a form provided by the Retirement System, to be so entitled, and upon his payment on or before his retirement of retroactive contributions as provided in said Section 16.70-1, for time on and after July 1, 1947. (Added by Ord. 102-65, App. 4/26/65)

SEC. 16.70-3. RETIREMENT AFTER 3/31/66 UNDER PARAGRAPH (b) OF SECTION 16.70-1. The service retirement allowance of any member who retires for service effective on or after March 31, 1966, as a member entitled to a service retirement allowance calculated according to the provisions of Paragraph (b) of Section 16.70-1 of this Code shall be a service retirement allowance at the rate of $1\frac{2}{3}$ percent of the average monthly compensation earned by him during any three consecutive years of credited service in the Retirement System in which such average is the highest for each year of service credited to him in the Retirement System, and such allowance shall be in lieu of the service retirement allowance to which he would be entitled under the provisions of said Paragraph (b) of Section 16.70-1.

This Section is not applicable to any person whose retirement allowance was first effective prior to March 31, 1966. This Section does not give any member or the beneficiary of any member, or his successors in interest, any claim against the City and County for an increase in any retirement allowance payable to or on account of any member whose retirement allowance was first effective prior to March 31, 1966. (Added by Ord. 74-66, App. 4/8/66)

SEC. 16.70-4. ALLOWANCE PAYABLE FOR TIME COMMENCING 7/1/74. For time commencing on July 1, 1974, the service retirement allowance of any member who retires for service on or after January 1, 1972, as a member entitled to a service retirement allowance calculated according to the provisions of Paragraph (b) of Section 16.70-1 of this Code, shall be a service retirement allowance at the rate of two percent of the average monthly compensation earned by him during any consecutive 12 months of credited service in the Retirement System in which such average is the highest for each year of service credited in the Retirement System. Such allowance shall be in lieu of the service retirement allowance to which such person would be entitled under the provisions of said Paragraph (b) of Section 16.70-1. In no event shall a member's retirement allowance, as increased under the provisions of this Section, exceed 75 percent of his average final compensation.

This Section is not applicable to any persons whose retirement allowance was first effective prior to January 1, 1972. This Section does not give any member or the beneficiary of any member, or his successors in interest, any claim against the City and County for any increase in any retirement allowance payable to or on account of any member for time prior to July 1, 1974. (Added by Ord. 50-75, App. 2/20/75)

SEC. 16.71. DISABILITY RETIREMENT — MEDICAL GROUNDS.

(a) Retirement of a member for disability shall be made by the Retirement Board upon medical examination as follows:

Any member while in City and County service, or within four months after the discontinuance of City and County service, or while physically or mentally incapacitated for the performance of his duty, if such incapacity has been continuous from discontinuance of City and County service, shall be examined by one or more physicians or surgeons selected by the Retirement Board, upon the Board's own motion, upon the application of the head of the office or department in which such member is employed, or upon the application of such member or of a person acting in his behalf, stating that such member is physically or mentally incapacitated for the performance of duty and ought to be retired; provided:

(1) If he is a member under Sections 8.540 or 8.565 of the Charter, such disability is claimed to result from bodily injury received in the performance of duty;

(2) If he is a member under Section 8.543 or 8.567 of the Charter, he has rendered 10 or more years of continuous service or such disability is claimed to result from bodily injury received in the performance of duty;

(3) If he is a member under any other Charter provision, he has rendered 10 or more years of continuous service.

(b) If such medical examination and other available evidence show, to the satisfaction of the Retirement Board, that the member is physically or mentally incapacitated for the performance of duty and ought to be retired; and, if he be a member under Section 8.540 or 8.565 of the Charter, or a member under Section 8.543 or 8.567 of the Charter, and has not had 10 or more years of continuous City and County service, that the disability is the result of bodily injury received in the performance of duty, then the Retirement Board shall retire the member for disability forthwith.

(c) The Retirement Board shall secure such medical services and advice as may be necessary to carry out the purposes of this Section and of Section 16.74 of this Code, and shall pay for such medical services and advice such compensation as the Board shall deem reasonable. (Bill No. 1125, by Ord. No. 4.073 (C.S.), Sec. 54)

SEC. 16.72. DISABILITY RETIREMENT — ALLOWANCES UPON DISABILITY RETIREMENT PERIOD. Upon retirement for disability as provided in the preceding section, a member who has qualified for retirement for service under the provisions of Section 16.70 of this Code, except the provisions of such section permitting retirement below the normal retirement age after 30 years of continuous service, shall receive a service retirement allowance as provided in Section 16.70 of this Code and shall be considered as a service retirement, except as provided in Subsection (b) of this Section; otherwise, such member:

(a) If he is a member under Section 8.540 or 8.565 of the Charter, he shall receive a retirement allowance as provided in such sections for members at January 8, 1932, of the Police and Fire Departments, respectively, upon disability retirement as distinguished from service retirement and death. Such retirement allowance shall be provided by the accumulated contributions credited to the member's

individual account and by the City and County's contributions on account of prior service, and on account of service as a member of the system, in proportions as determined by the Retirement Board.

(b) If he is a member under Section 8.543 or 8.567 of the Charter, and if his disability, in the opinion of the Retirement Board, is the result of bodily injury received in the performance of duty, shall receive:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and,

(2) A pension purchased by contributions of the City and County, which, together with the annuity provided by his accumulated normal contributions, shall make his total retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, equal to one-half of his final compensation. If such member shall have been continuously incapacitated for the performance of any duties from the date of, and shall die as a result of such injury while receiving such retirement allowance, then the retirement allowance shall be continued after his death to his surviving wife to whom the member was married prior to sustaining the injury, to continue as long as she shall live or until her remarriage; or, if there be no widow, or if the widow die before any child of such deceased member shall have attained the age of 16 years, then to his child or children under such age collectively, to continue until every child dies or attains such age. A member qualifying for continuation of a retirement allowance under this paragraph shall not be subject to the provisions of this Section referring to service retirement.

(c) If he is a member under Section 8.543 or 8.567 of the Charter and if his disability, in the opinion of the Retirement Board, is not the result of bodily injury received in the performance of duty, or if he be a member under any other Charter provisions, he shall receive:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and,

(2) A pension purchased by the contributions of the City and County, which together with the annuity provided by his accumulated normal contributions shall make the retirement allowance, exclusive of the annuity provided by his accumulated additional contributions, equal to:

(A) One and one-fourth percent of his final compensation multiplied by the number of years of City and County service credited to him, if such retirement allowance exceeds $\frac{1}{4}$ of his final compensation; otherwise,

(B) One and one-fourth percent of his final compensation multiplied by the number of years of City and County service which would be creditable to him were his City and County service to continue until attainment by him of age 62, but such retirement allowance shall not exceed $\frac{1}{4}$ of such final compensation. In the calculation of a retirement allowance under this paragraph in the case of a member having credit for more than one class of service, that is, service as a teacher in the day schools, as a teacher in the evening schools or as an employee in any other position, separate retirement allowances shall be calculated, in the manner prescribed for each class of service; the final compensation in each case being that for the respective class of service; provided, that the final compensation upon which the minimum total retirement allowance is calculated in such case shall be based on the

compensation earnable by the member in the classes of service rendered by him during the 10 years immediately preceding his retirement. (Bill No. 1125, by Ord. No. 4.703 (C.S.), Sec. 55)

SEC. 16.73. DISABILITY RETIREMENT — ALLOWANCES UPON DISABILITY RETIREMENT PRIOR TO JULY 1, 1947. Notwithstanding the preceding section, upon retirement for disability, effective prior to July 1, 1947, as provided in Section 16.71 of this Code, a member who has qualified for retirement for service under the provisions of Section 16.70 of this Code, except the provisions of such section permitting retirement below the normal retirement age after 30 years of continuous service, shall receive a service retirement allowance as provided in Section 16.70 of this Code and shall be considered as a service retirement, except as provided in Subsection (b) of this Section; otherwise, such member:

(a) If he is a member under Section 8.540 or 8.565 of the Charter, shall receive a retirement allowance as provided in Section 16.72 of this Code;

(b) If he is a member under Section 8.543 or 8.567 of the Charter, and if his disability, in the opinion of the Retirement Board, is the result of bodily injury received in the performance of duty, shall receive a retirement allowance as provided in Section 16.72 of this Code;

(c) If he is a member under Section 8.543 or 8.567 of the Charter, and if his disability, in the opinion of the Retirement Board, is not the result of bodily injury received in the performance of duty, or if he is a member under any other Charter provisions, he shall receive, notwithstanding the provisions of Section 16.72 of this Code:

(1) An annuity which shall be the actuarial equivalent of his accumulated contributions at the time of his retirement; and,

(2) A pension purchased by the contributions of the City and County, which together with the annuity provided by his accumulated normal contributions shall make the retirement allowance, exclusive of the annuity provided by his accumulated additional contributions equal to:

(A) One and one-half percent of his average monthly salary earnable during the five years immediately preceding his retirement multiplied by the number of years of City and County service credited to him, if such retirement allowance exceeds $\frac{1}{3}$ of his final compensation; otherwise,

(B) One and one-half percent of his five-year average monthly salary earnable multiplied by the number of years of City and County service which would be creditable to him were his City and County service to continue until attainment by him of age 60, but such retirement allowance shall not exceed $\frac{1}{3}$ of such five-year average monthly salary earnable. In the calculation of a retirement allowance under this paragraph in the case of a member having credit for more than one class of service, that is, service as a teacher in the day schools, as a teacher in the evening schools or as an employee in any other position, separate retirement allowances shall be calculated, in the manner prescribed, for each class of service, such five-year average monthly salary earnable in each case being that for the respective class of service; provided, that the final compensation upon which the minimum total retirement allowance is calculated in such case shall be based on the compensation earnable by the member in the classes of service rendered by him during the five years immediately preceding his retirement (Ord No. 4294 (1939), Sec. 1)

SEC. 16.74. DISABILITY RETIREMENT — MEDICAL EXAMINATIONS; RE-ENTRY INTO SERVICE; ENGAGING IN GAINFUL OCCUPATION AFTER RETIREMENT PERIOD. (a) The Retirement Board may, at its pleasure, require any beneficiary who has been retired for disability and who has not attained the age of 62 years, to undergo a medical examination, such examination to be made by a physician or surgeon appointed by the Retirement Board, at the place of residence of the beneficiary or other place mutually agreed upon. Upon the basis of such examination, the Board shall determine whether the disability beneficiary is still incapacitated, physically or mentally, for service in the office or department of the City and County where he was employed and in the position held by him when retired for disability. If the Retirement Board shall determine that the beneficiary is not so incapacitated, his retirement allowance shall be cancelled forthwith, and he shall be reinstated to the position of the same class as that held by him when retired for disability.

(b) Should a beneficiary after retirement for disability re-enter the City and County service and be eligible for membership in the Retirement System in accordance with Section 16.42 of this Code, his retirement allowance shall be cancelled and he shall immediately become a member of the Retirement System, his rate of contribution for future years being that established for his age at the time of such reentry, except that, if he is a member under Sections 8.540 or 8.565 of the Charter, he shall contribute, as provided in Section 16.50 of this Code. His individual account shall be credited with an amount which shall be the actuarial equivalent, at the time of such re-entry, based on a disabled life, of his annuity, but such amount shall not exceed the amount of his accumulated contributions as it was at the time of his retirement; provided, that if such beneficiary is a person who received a retirement allowance under Section 8.542 or 8.566 of the Charter, then he shall be considered as entering the Retirement System under Section 8.540 or 8.565, respectively, of the Charter, and his individual account shall be credited with an amount which shall be the actuarial equivalent, at the time of such entry, based on a disabled life, of the annuity which would have been purchased by his accumulated contributions in the pension fund under which he was retired, if applied as under the retirement system, but such amount shall not exceed the amount of his accumulated contributions as it was at the time of his retirement, and the City and County shall pay into the Retirement System an amount equal to such actuarial equivalent in the manner prescribed in Section 16.62 of this Code for similar payments.

An amount equal to such actuarial equivalent shall again be held for the benefit of the member and shall no longer be included in the amounts available to meet the obligation of the City and County on account of benefits that have been granted and on account of prior service of members; provided, that the amount so again held for the benefit of a person who is a member under Section 8.540 or 8.565 of the Charter, shall be the actuarial equivalent, at the time of such re-entry, based on a disabled life, of his pension granted on account of service as a member, but such amount shall not exceed the City and County accumulated contribution held for his benefit on account of service as a member, at the time of his retirement. Such member shall receive credit for prior service in the same manner as if he had never been retired for disability.

(c) Should any retired person, except persons retired for service prior to January 8, 1932, and persons retired because of disability incurred in the performance of duty, engaged in a gainful occupation, prior to attaining age 62, the Retirement Board shall reduce the amount of his monthly pension as defined in this Article to an amount which, when added to the compensation earned monthly by him in such occupation, shall not exceed the amount of the compensation on the basis of which his retirement allowance was determined. Should the earning capacity of such beneficiary be further altered, the Board may further alter his pension to an amount which shall not exceed its amount when he was originally retired, but which, subject to such limitation, shall equal, when added to the compensation earned by him the amount of his compensation on the basis of which his retirement allowance was determined. When the beneficiary reaches age 62, his retirement allowance shall be made equal to the amount upon which he was originally retired, and shall not again be modified for any cause.

(d) Should any beneficiary retired for disability refuse, under age 62, to submit to a medical examination, his pension may be discontinued until his withdrawal of such refusal, and should such refusal continue for one year, his retirement allowance may be cancelled. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec. 56)

SEC. 16.75. OPTIONAL MODIFICATIONS OF ALLOWANCES.

Until the first payment on account of any retirement allowance is made, a member or a retired person, except persons who are members under Section 8.565 of the Charter, may elect to receive the actuarial equivalent of his retirement allowance payable throughout his life with the provision that:

Option 1. If he dies before he receives in lesser annuity payments the amount of his accumulated contributions as it was at his retirement, the balance of such accumulated contributions shall be paid to his estate or to such person as he shall nominate by written designation duly executed and filed with the Retirement Board at the time of his election; or

Option 2. Upon his death, his lesser retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly executed and filed with the Retirement Board at the time of his election; or

Option 3. Upon his death, one-half of his lesser retirement allowance shall be continued throughout the life of and paid to such person as he shall nominate by written designation duly executed and filed with the Retirement Board at the time of his election.

Said election of option shall be made by signing and filing with the Retirement Board a notarized election of option on a form provided by the Retirement Board; provided, however, that if a retired person shall die before the first payment on account of his retirement allowance is made, such election of option shall be considered void and of no effect and his death shall be considered as that of a member before retirement, unless:

(a) Such retired person has elected Option 2 or 3; or

(b) Such person was retired on or after April 1, 1966, as a member under Section 8.507 or 8.509 of the Charter and such person has elected Option 1 and an allowance as provided in Subsection (d) of Section 16.80 of this Code is otherwise payable upon his death. (Amended by Ord. 296-83, App. 5/27/83)

SEC. 16.76. METHOD OF PAYMENT OF ALLOWANCES. A pension, an annuity, retirement allowance or death benefit allowance granted under the provisions of this Article shall be payable in equal monthly installments or in smaller pro-rata amounts when the pension, annuity, retirement allowance or death benefit allowance begins after the first day of the month or ends before the last day of the month; provided, that nothing in this Article shall prevent the payment at shorter intervals of benefits under the compensation, insurance and safety law of the state. (Bill No. 1125, Ord. No 4.073 (C.S.), Sec. 58)

SEC. 16.77. POSITION IN CITY SERVICE NOT PERMITTED AFTER RETIREMENT; EXCEPTIONS. No person retired for service or disability and in receipt of a retirement allowance under the Retirement System shall serve in any elective or appointive position in the City and County service, including membership on boards and commissions, nor shall such person receive any payment for service rendered to the City and County after retirement; provided, that service as an election officer or juror shall not be affected by this Section. (Bill No. 1125, Ord. No. 4.073 (C.S.), Sec 59)

SEC. 16.78. INCREASE IN ALLOWANCES FOR PERSONS RETIRING UNDER PROVISIONS OF SECTION 8.509 OF THE CHARTER. Every allowance payable for time commencing on the effective date of this Section to any person who was retired as a member under Section 8.509 of the Charter, prior to such effective date, is hereby increased to the amount it would be if the provisions of Section 11 of Bill No. 1125, Ordinance No. 4.073, designated Section 211, Article 3, Part I of the San Francisco Municipal Code, as they exist on such effective date, had been in effect on the date of the actual retirement of the member. This Section does not authorize any decrease in such allowance, nor does this Section give any such retired person, or his successors in interest, any claim against the City and County for any increase in any allowance paid or payable for time prior to its effective date. The increase in the retirement allowance shall be apportioned according to service rendered by the member in the same manner that the allowance prior to increase was apportioned. (Ord. No. 6280 (1939), Sec. 1)

SEC. 16.79. BENEFICIARIES. "Beneficiary" means any person, except a corporation, designated by a member, or a retired member, to receive a benefit payable on account of the death of a member or a retired member. If there is no effective beneficiary designation the benefit shall be paid to the estate of the member. (Amended by Ord. 296-83, App. 5/27/83)

SEC. 16.80. DEATH BENEFITS. (a) **Death in Performance of Duty.** Upon the death of any person who is a member under Section 8.540 or 8.565 of the Charter, if such death shall result from his performance of duty as prescribed in such sections, respectively, or if such death in the case of members under Section

8.565 of the Charter shall occur after qualification for service retirement, there shall be paid to the widow, children or parents of such member, the benefits provided in such sections, for members at January 8, 1932, of the Police and Fire Departments, upon death resulting from the performance of duty and upon death occurring after qualification for service retirement. If such death after qualification for service retirement shall not result from the performance of duty and if there be no surviving wife, children or parents to whom benefits are payable under this subsection, the benefits provided in the next following subsection shall be paid to the beneficiary nominated by him as prescribed therein.

(b) **Death Not in Performance of Duty.** Upon the death before retirement, if such death be not included under Subsection (a) of this Section, of a member while in the city service, or within four months after the discontinuance of city service, or while physically or mentally incapacitated for performance of his duty, if such incapacity has been continuous from discontinuance of city service, the retirement system shall be liable for a death benefit, which, if an amount be due under Paragraph (3) of this subsection, and if there be a surviving wife or surviving children, shall be paid in monthly installments and to the surviving wife and children as prescribed therein; otherwise, such death benefit shall be paid to his estate, or to such person as he has nominated or shall nominate by written designation duly executed and filed with the retirement board, and such death benefit shall consist of:

(1) His accumulated contributions, and in addition thereto.

(2) An amount equal to the compensation earnable by him during the six months immediately preceding his death, but with respect only to members who affirmatively exercise the option provided in Section 16-31 of this Code, such compensation earnable for any month shall not exceed \$900 and if such member be a member under Sections 8.543 or 8.567 of the Charter, and if such death, in the opinion of the retirement board, be the result of bodily injury, sustained while in the performance of duty, in addition thereto.

(3) An amount sufficient, when added to the amounts provided in the next preceding Paragraphs (1) and (2), to provide, when applied according to mortality tables adopted by the board, a monthly death benefit equal to $\frac{1}{2}$ of the monthly compensation earnable by such member during the 10 years immediately preceding his death, to be paid to the surviving wife to whom such member was married prior to sustaining the injury, to continue as long as she shall live or until her remarriage; or, if there be no widow, or if the widow die before any child of such deceased member shall have attained the age of sixteen years, then to his child or children under such age collectively, to continue until every such child dies or attains such age. If payment of the allowance be stopped because of remarriage of the widow or attainment of the age of sixteen years by a child, before the sum of monthly payment made shall equal the sum of the amounts provided in the next preceding Paragraphs (1) and (2), then an amount equal to the difference between such sums shall be paid in one amount to the remarried widow; or, if there be no widow to the surviving children of the deceased member, to share and share alike.

(c) **Designation of Beneficiary.** A member, or a beneficiary after the death of a member, may elect, by written designation duly executed and filed with the

retirement board, to have the death benefit provided in this Section paid in monthly or annual installments instead of in one lump sum, subject to such rules and regulations as the board may adopt.

(d) **Death After Retirement.** Upon the death of any person, except persons referred to in Sections 8.542 and 8.566 of the Charter, after retirement and while receiving a retirement allowance from the retirement system, there shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed with the Retirement Board, the sum of \$100 for each completed year of city service credited to him at the time of his retirement, but the total amount paid shall not exceed \$3,000; provided, that the sum so paid upon the death of a person who was receiving a retirement allowance under the San Francisco City and County Employees' Retirement System on January 8, 1932, or of a person who became a member of the retirement system by reason of his status as an employee of the public utility acquired by the City shall be not less than \$500, regardless of the city service credited. If such deceased person was retired as a member under Sections 8.507 or 8.509 of the Charter and his retirement was first effective on or after April 1, 1966, an allowance shall be paid to his widow, until her death or remarriage, equal to $\frac{1}{2}$ of his retirement allowance as it was prior to optional modification and prior to reduction as provided in Subsection (A) of Charter Section 8.514, but exclusive of the part of such allowance which was provided by additional contributions. No allowance, however, shall be paid under this Section to a widow unless she was married to the member at least one year prior to the member's death. If he leaves no such widow, or if she should die or remarry before every child of such deceased retired person attains the age of eighteen years, then the allowance which such widow would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age, provided that no child shall receive any allowance after marrying or attaining the age of eighteen years. If the member, at retirement, has no wife who upon his death would qualify as a widow to receive the allowance provided in this subsection, he may elect an option, as provided under Section 16.75 of this Code, with respect to all of his allowance but if at his retirement he has such a wife, he may elect such option only with respect to that part of his retirement allowance, prior to reduction as provided in Charter Section 8-514, which is in excess of the allowance which would be paid to his widow under this paragraph. The funds for payments under this paragraph shall be derived:

(1) With respect to persons retired as members under Charter Sections 8.509, 8.544 and 8.568 from reserves held by the retirement system on account of members under such sections, respectively, and

(2) With respect to persons retired as members under Charter Sections 8.507, 8.543, and 8.567 from the accumulated contributions of the City held to meet the obligation of the City on account of benefits that have been granted and on account of prior service of members. Upon the death of any person after retirement and while receiving a pension under Sections 8.542 or 8.566 of the Charter, as a retired member of the Police or Fire Department, there shall be paid to his estate or to such person as he shall have nominated by written designation duly executed and filed

with the retirement board, the sum of \$3,000. The death benefits provided in this paragraph with respect to persons retired under Charter Sections 8.542 or 8.565, shall be funded by contributions to the retirement system by the City which shall not be less in any fiscal year than the amount of such benefits paid during said year.

(e) **Revocation of Nomination of Beneficiary.** A person, while a member or after retirement, shall have the right to revoke the nomination of a beneficiary made by him under the retirement system, and to nominate a beneficiary in lieu thereof, all by written designation duly executed and filed with the Retirement Board; provided, that this right shall not extend to beneficiaries nominated under Options 2 and 3 of Section 16.75 of this Code, nor shall it extend to dependents designated as beneficiaries by State law, the Charter or this Article, to receive benefits payable on account of death or disability incurred in the performance of duty. (Amended by Ord. 53-85, App. 2/2/84)

SEC. 16.80-1. DEATH AFTER RETIREMENT — PERSONS RETIRED PRIOR TO APRIL 1, 1966. Upon the death on or after the effective date of this Section of a person who at the time of his death was receiving a retirement allowance as a person retired under Section 8.507 or 8.509 of the Charter and whose retirement allowance was first effective prior to April 1, 1966, an allowance shall be paid to his widow, until her death or remarriage, equal to $\frac{1}{2}$ of his retirement allowance as it was prior to optional modification and prior to reduction as provided in Subsection (A) of Section 8.514 of the Charter, but exclusive of the part of such allowance which was provided by additional contributions. No allowance, however, shall be paid under this Section to a widow unless she was married to such retired person at least one year prior to his retirement. If he leaves no such widow, or if she dies or remarries before every child of such deceased retired person attains the age of 18 years, the allowance which such widow would have received had she lived and not remarried shall be paid to his child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years; it is provided however, that:

(a) If on the effective date of this Section, such a retired person has a wife who upon his death would qualify as a widow to receive the allowance provided in this subsection; and

(b) If such person at the time of his retirement elected Option 2 or Option 3 as provided under Section 16.75 of this Code; then

(c) The allowance of such retired person shall be recomputed as of the effective date of this Section, so that the option so elected shall apply only with respect to that part of his retirement allowance, prior to reduction as provided in Charter Section 8.514, which is in excess of the allowance which would be paid to his widow under this paragraph.

The funds for payments under this Section shall be derived in the same manner as provided in Paragraphs (1) and (2) of Subsection (d) of Section 16.80 of this Code for other benefits payable on account of the death of retired persons.

This Section does not give any person retired prior to April 1, 1966, or his successors in interest, any claim or right against the City and County for any increase in or modification of any retirement allowance in effect prior to April 1,

1966, other than as specifically provided in this Section; nor for any increase in allowances paid or payable prior to the effective date of this Section. (Added by Ord. 152-67, App. 6/21/67)

SEC. 16.80-2. DEATH AFTER RETIREMENT — PERSONS RETIRED PRIOR TO APRIL 1, 1966. Upon the death on or after the effective date of this Section of a person who at the time of his death was receiving a retirement allowance as a person retired under Section 8.507 or 8.509 of the Charter and whose retirement allowance was first effective prior to April 1, 1966, the allowance provided pursuant to Section 16.80-1 of this Code shall be payable to his widow, notwithstanding the requirement of Section 16.80-1 that such widow shall have been married to such person at least one year prior to his retirement, provided, however, that no such allowance shall be payable to such widow unless she was married to such person (1) at least one year prior to such person's death if she married him prior to his retirement, or (2) at least two years prior to such person's death if she married him after his retirement. (Added by Ord. 133-69, App. 4/18/69)

SEC. 16.80-3. DEATH AFTER RETIREMENT — PERSONS RETIRED PRIOR TO APRIL 1, 1966, WHO DIED PRIOR TO EFFECTIVE DATE OF SECTION 16.80-1. The provisions of this Section 16.80-3 shall apply only to retirement allowances which on the effective date of this Section are being paid under Option 3 to widows of persons who:

- (a) Died prior to the effective date of Section 16.80-1 of this Code, and
- (b) At the time of their deaths were receiving retirement allowances first effective prior to April 1, 1966, as persons retired under Section 8.507 or Section 8.509 of the Charter.

Effective July 1, 1972, said Option 3 with respect to each of said retirement allowances is hereby revoked and for time on and after July 1, 1972, each such widow shall receive an allowance in an amount equal to $\frac{1}{2}$ of her husband's retirement allowance as it was prior to optional modification under said Option 3.

The provisions of this Section 16.80-3 shall not give any beneficiary, or her successors in interest, any claim or right against the City and County for any increase in or modification of any retirement allowance in effect prior to April 1, 1966, other than as specifically provided in this Section; nor for any increase in allowance paid or payable for time prior to July 1, 1972. (Added by Ord. 212-72, App. 8/1/72)

SEC. 16.80-4. RETIREMENT ALLOWANCE UNDER OPTIONAL PAYMENT PLAN NO. 2 OR NO. 3. The retirement allowance of any person who retired under Section 8.507 or 8.509 of the Charter and who, at retirement, selected optional payment plan No. 2 or No. 3 as provided in Section 16.75 of this Code, shall be recomputed in accordance with the provisions of this Section, if the person designated to receive the lesser allowance after the death of said retired person subsequently qualifies as a wife who would be eligible as a widow to receive the allowance provided in Paragraph (d) of Section 16.80 of this Code.

Such allowance shall be recomputed so that the optional payment plan selected shall apply only with respect to that part of such retired person's retirement

allowance which is in excess of the allowance which would be paid to his widow under the provisions of Paragraph (d) of Section 16.80 of this Code. Said recomputation shall be made as of the date on which said designated person qualifies as an eligible wife or on the effective date of this ordinance, whichever is later; and the allowance as so recomputed shall be payable for time on and after the date of said recomputation.

This ordinance does not and shall not give any retired person, or his successors in interest, any claim against the City and County for an increase in any allowance paid or payable for time prior to the date of said recomputation. (Amended by Ord. 107-70, App. 4/8/70)

SEC. 16.80-5. DEATH AFTER RETIREMENT — ALLOWANCES PAYABLE WITHOUT MODIFICATION OR PURSUANT TO OPTIONS 1 OR 2. The provisions of this Section 16.80-5 shall apply only to unmarried widows of persons who retired prior to April 1, 1966, as members under Section 8.507 of Section 8.509 of the Charter, and who died prior to the effective date of Section 16.80-1 of this Code, provided such widows would have been entitled to the automatic $\frac{1}{2}$ continuation of allowance under Section 16.80-1 of this Code if Sections 16.80-1 and 16.80-2 had been in effect on the date of their husbands' deaths.

(a) If at retirement such widow's husband elected to receive his allowance without optional modification or after modification under Option 1, such widow shall receive, for time commencing January 1, 1973, an allowance in an amount equal to $\frac{1}{2}$ of the amount of her husband's retirement allowance as it was at his death.

(b) If at retirement such widow's husband elected to receive his allowance after modification under Option 2, such widow shall receive, for time commencing January 1, 1973, an allowance in an amount equal to the total of:

(1) An amount equal to $\frac{1}{2}$ of the amount of her husband's retirement allowance without optional modification;

(2) An amount determined by recomputing as of January 1, 1973, the allowance of such widow so that Option 2 shall apply only with respect to that part of her husband's allowance without optional modification which is in excess of the amount in Subdivision (1) of this Subsection (b);

(3) An amount equal to the total of all increases made in such widow's allowance pursuant to Subsections (A) and (B) of Section 8.526 of the Charter (formerly Section 164.1 of the Charter of 1932).

The allowances determined pursuant to the provisions of Subsections (a) and (b) of this Section shall be the allowances upon which adjustments pursuant to Section 8.526 of the Charter shall be based.

The provisions of this Section 16.80-5 shall not give any beneficiary or her successors in interest, any claim or right against the City and County for any increase in or modification of any retirement allowance in effect prior to April 1, 1966, other than as specifically provided in this Section; nor for any increase in allowance paid or payable for time prior to January 1, 1973. (Added by Ord. 62-73, App. 2/23/73)

SEC. 16.80-6. DEATH AFTER RETIREMENT — CONTINUATION TO SURVIVING SPOUSE OF FEMALE MEMBER. Upon the death on or after

the effective date of this Section of a female member who at the time of her death is receiving a retirement allowance as a person retired under Sections 8.507 or 8.509 of the Charter (formerly Sections 165 and 165-2 of the Charter of 1932), an allowance shall be paid to her surviving husband, until his death or remarriage, equal to $\frac{1}{2}$ of her retirement allowance as it was prior to optional modification, but exclusive of the part of such allowance which was provided by additional contributions. No allowance, however, shall be paid under this Section to a surviving husband unless he was married to such member for at least one year prior to the member's death.

If she leaves no such surviving husband, or he dies or remarries before every child of such deceased female member attains the age of 18 years, then the allowance which such surviving husband would have received had he lived and not remarried shall be paid to her child or children under said age, collectively, to continue until every such child dies or attains said age; provided, that no child shall receive any allowance after marrying or attaining the age of 18 years.

If a female member whose retirement will be effective on or after the effective date of this Section does not have, at retirement, a husband who upon such member's death would qualify as a surviving husband to receive the allowance provided in this Section, she may elect an option, as provided under Section 16.75 of this Code, with respect to all of her allowance; but if, at her retirement, she has such a husband, she may elect such option only with respect to that part of her retirement allowance which is in excess of the allowance which would be paid to her surviving husband under this Section.

The funds for payments under this Section shall be derived:

(a) With respect to persons retired as members under Section 8.507, from the accumulated contributions of the City and County held to meet the obligation of the City and County on account of benefits that have been granted and on account of prior service of members, and

(b) With respect to persons retired as members under Section 8.509, from reserves held by the Retirement System on account of members under said section. (Amended by Ord. 53-84, App. 2/2/84)

SEC. 16.80-6.1. DEATH AFTER RETIREMENT — CONTINUATION TO HUSBAND OF RETIRED FEMALE MEMBER WHO DIED PRIOR TO EFFECTIVE DATE OF SECTION 16.80-6. The provisions of this Section 16.80-6.1 shall apply only to unremarried husbands of female members who retired prior to the effective date of Section 16.80-6 of this Code, as members under Section 8.507 or Section 8.509 of the Charter, and who died prior to the effective date of said Section 16.80-6, provided such husbands would have been entitled to the automatic $\frac{1}{2}$ continuation of allowance under said Section 16.80-6 if said Section 16.80-6 had been in effect on the date of their wives' deaths.

(a) If at retirement such husband's wife elected to receive her allowance without optional modification or after modification under Option 1, such husband shall receive, for time commencing July 1, 1975, an allowance in an amount equal to $\frac{1}{2}$ of the amount of his wife's retirement allowance as it was at her death.

(b) If at retirement such husband's wife elected to receive her allowance after modification under Option 2 and designated her husband as beneficiary under said Option 2, such husband shall receive, for time commencing July 1, 1975, an allowance in an amount equal to the total of:

(1) An amount equal to $\frac{1}{2}$ of the amount of his wife's retirement allowance without optional modification;

(2) An amount determined by recomputing as of July 1, 1975, the allowance of such husband so that Option 2 shall apply only with respect to that part of his wife's allowance without optional modification which is in excess of the amount in Subdivision (1) of this Subsection (b);

(3) An amount equal to the total of all increases made in such wife's allowance pursuant to Subsection (A) and (B) of Section 8.526 of the Charter (formerly Section 164.1 of the Charter of 1932).

(c) If at retirement such husband's wife elected to receive her allowance after modification under Option 3 and designated her husband as beneficiary under said Option 3, said Option 3 is hereby revoked effective July 1, 1975, and, for time commencing July 1, 1975, such husband shall receive an allowance in an amount equal to $\frac{1}{2}$ of his wife's retirement allowance as it was prior to optional modification under said Option 3.

The allowances determined pursuant to the provisions of Subsections (a), (b) and (c) of this Section shall be the allowances upon which adjustments pursuant to Section 8.526 of the Charter shall be based.

The provisions of this Section 16.80-6.1 shall not give any beneficiary, or his successors in interest, any claim or right against the City and County for any increase in or modification of any retirement allowance in effect prior to the effective date of this Section, other than as specifically provided in this Section; nor for any increase in any allowance paid or payable for time prior to July 1, 1975. (Added by Ord. 207-75, App. 5/21/75)

SEC. 16.80-7. RETIREMENT ALLOWANCE OF FEMALE WITH SURVIVING SPOUSE. The retirement allowance of any female person who retired under Section 8.507 or 8.509 of the Charter and who, at retirement, selected optional payment plan No. 2 or No. 3 as provided in Section 16.75 of this Code, shall be recomputed in accordance with the provisions of this Section, if the person designated to receive the lesser allowance after the death of said retired person qualifies as a husband who would be eligible as a surviving husband to receive the continuation of allowance provided in Section 16.80-6 of this Code.

Such allowance shall be recomputed so that the optional payment plan selected shall apply only with respect to that part of such retired person's retirement allowance which is in excess of the allowance which would be paid to her surviving husband under the provisions of Section 16.80-6 of this Code. Said recomputation shall be made as of January 1, 1973; and the allowance as so recomputed shall be payable for time on and after the date of said recomputation.

This ordinance does not and shall not give any retired person, or her successors in interest, any claim against the City and County for an increase in any allowance paid or payable for time prior to the date of said recomputation. (Added by Ord. 286-73, App. 7/20/73)

SEC. 16.81. BENEFITS UNDER WORKERS' COMPENSATION ACT AND PUBLIC EMPLOYEES' RETIREMENT SYSTEM. (a) **Administration of Benefits Under Workers' Compensation Act.** The Retirement Board shall administer cases of injuries to employees, received in performance of duty, regardless of

whether such employees are members of the Retirement System, as provided in Section 8.515 of the Charter. Administration of such cases shall include determination of the right to benefits, payment of disability indemnity, furnishing medical service, adjusting and compromising claims and all other acts necessary to the liquidation of the liability of the City and County under such law. Such legal services as may be required in the administration shall be furnished by the City Attorney.

(b) Determination of Disability Under Public Employees' Retirement System. The Retirement Board shall administer and determine applications, under Section 21023.6 of Government Code, for disability retirement by employees of the City and County who are "local safety members" under the Public Employees' Retirement System of the State of California. The Retirement Board is hereby authorized and empowered to perform on behalf of the City and County all of the acts required under the provisions of said Section 21023.6 of the Government Code.

In those cases in which there is a dispute whether the employee's disability is industrial, the Retirement Board may apply to the Workers' Compensation Appeals Board for a determination of said question. In those cases in which the effective date of retirement is to be the date on which the disabling condition became permanent and stationary, the Retirement Board shall apply to the Workers' Compensation Appeals Board for a determination of such date.

The Retirement Board is hereby authorized and empowered to make applications on behalf of the City and County for disability retirement of employees in employments in which they are "local safety members" under the Public Employees' Retirement System and to initiate requests for reinstatement of such employees who are retired for disability.

The Retirement Board may adopt such rules and regulations as it deems appropriate and necessary to carry out the provisions of this Subsection (b). (Amended by Ord. 314-74, App. 6/27/74)

SEC. 16.82. RECORDS AND ACCOUNTS TO BE KEPT ON RISKS.

Records and accounts shall be kept on both assumed and reinsured risks, sufficient to permit a determination of which policy, to assume or reinsure, is for the best interests of the City and County. Each office and department shall furnish such information concerning employees therein as the Retirement Board may require in carrying out the provisions of this Article. (Bill No. 1125, Ord. No 4.073 (C.S.), Sec. 65)

SEC. 16.83. MEDICAL AND HOSPITAL SERVICE. The Retirement Board shall have authority to arrange for hospitalization and medical and surgical treatment at such hospitals or other medical facilities as it determines necessary and appropriate and as recommended by the attending physician for employees judged by the Retirement Board to have been injured in the performance of duty; provided, that if hospitalization is at the San Francisco General Hospital, physicians and surgeons to render such medical and surgical treatment shall be selected from the staff of the hospital. If hospitalization is at the San Francisco General Hospital, said hospital shall be reimbursed for services and supplies by the Retirement Board from contributions made by the City and County; provided, that at all

times the charges for such services and supplies shall be in accordance with an agreement to be made and revised from time to time between the Retirement Board and the Department of Public Health.

Each employee shall have the right, however, to provide at his own expense, such consulting or attending physicians as he may desire, in addition to physicians furnished by the Retirement Board; provided, that if such consulting or attending physicians are to render any service at the San Francisco General Hospital, they shall be selected from the staff of said hospital.

The provisions of this Section shall apply to American Red Cross nurses' aides who are judged by the Retirement Board to have suffered injuries while actually serving as volunteer assistants at the San Francisco General Hospital and to any authorized volunteer assigned by the Director of Public Health, or by the Superintendent of the San Francisco General Hospital or Laguna Honda Hospital and: (1) assisting in the care and treatment of patients in any of such institutions, including driving or operating motor vehicles primarily utilized for the transportation of such patients and owned by the City and County, pursuant to authorization by such superintendent; or (2) engaged in clerical duties in the adult guidance center for alcoholics; or (3) assisting at child health conferences or engaged in clerical or miscellaneous duties in the bureaus of public health, nursing, and maternal and child health, who are judged by the Retirement Board to have suffered injury while actually serving as such volunteer in any of such services, and where injury occurs as a direct result of such service, when hospitalization and medical and surgical treatment are reasonably required in the judgment of the Retirement Board to cure and relieve the effects of such injuries.

The Retirement Board shall report to the Board of Supervisors not later than January 31st of each year as to the comparative costs of the aforesaid hospitals and other medical, and the legislative and personnel committee shall review such costs within 45 days thereafter. (Amended by Ord. 563-79, App. 11/16/79)

SEC. 16.84. EFFECT OF COMPENSATION BENEFITS ON OTHER BENEFITS UNDER ARTICLE. No modification of the benefits provided in this Article shall be made on account of any amounts payable to a beneficiary under the Compensation, Insurance and Safety Act, except that the portion of any retirement allowance or other benefit which is provided by contributions of the City and County, payable by the Retirement System because of the death or retirement of any member of the Fire or Police Department, as a result of injury or illness received in performance of duty shall be reduced by the amount of any benefits, other than medical benefits, payable to or on account of such member under the Workers' Compensation, Insurance and Safety Act of the state of California because of his death or the disability resulting in his retirement.

If such benefits under the Compensation Act shall run concurrently with the allowance under this Article and shall be due the beneficiary in payments which are equal to or less than the portion of the retirement allowance, then such portion shall be reduced each month by the amount of such other benefits so due during the month, and the beneficiary shall have no more right to such reduction than if the Retirement System had never existed.

If such benefits under the Compensation Act shall run concurrently with the allowance under this Article and shall be due to the beneficiary in payments which

are greater than the portion of the retirement allowance, then payment of the portion shall be withheld until the total of the amounts so withheld shall equal the total of such other benefits paid, and the beneficiary shall have no more right to such amounts withheld than if the Retirement System had never existed.

It is the purpose of the preceding paragraph of this Section to reduce the pension portion of the retirement allowance payable from the Retirement Fund by the amount due to the beneficiary concurrently with such portion under the Compensation Act, and the payment before due date by the commutation through compromise or otherwise of such other benefits shall not prevent the reduction of such portion, as provided in this Section, in the amounts which would have been payable concurrently with the retirement allowance in the absence of such commutation.

If any benefits, other than medical benefits, shall have been paid concurrently with salary to the beneficiary under the Compensation Act because of a permanent disability, then payment of such portion of the retirement allowance shall be withheld until the total of the amounts so withheld shall equal the total of such benefits paid because of the permanent disability, and the beneficiary shall have no more right to such amounts withheld than if the Retirement System had never existed.

Such benefits which are payable for time during which salary is not paid and prior to the effective date of the allowance shall not be considered under the provisions of this Section. (Bill No. 1125, Ord. No. 4,073 (C.S.), Sec 67)

SEC. 16.85. POLICEMEN AND FIREMEN INCAPACITATED WITH HEART TROUBLE OR PNEUMONIA — WHEN PRESUMED CONTRACTED IN COURSE OF EMPLOYMENT. Whenever any member of the Police Department or Fire Department shall become incapacitated for the performance of his duty on account of heart trouble or pneumonia, which develops or manifests itself while such member is in the service of his department, such heart trouble and such pneumonia shall be presumed to arise out of and in the course of his employment, unless there is evidence to the contrary. (Ord. No. 559 (1939), Sec. 1)

SEC. 16.86. POLICEMEN AND FIREMEN INCAPACITATED WITH HEART TROUBLE OR PNEUMONIA — APPLICATION TO MEMBERS WITH FIVE OR MORE YEARS OF SERVICE. The provisions of the preceding section shall apply only to members of the Police and Fire Departments, respectively, who shall have served five or more years in one or both of such departments. (Ord. No. 559 (1939), Sec. 1)

SEC. 16.87. WAIVER OF PENSIONS — SIGNING AND FILING; EFFECTIVE DATE; WAIVER FORMS. The person entitled to receive a pension may decline to accept all or part of future payments of such pension by a waiver signed and filed with the Retirement Board. Such waiver shall become effective on the date stated in the waiver or, if none, on the first day of the month next succeeding the month of filing and shall remain in effect until the waiving person's death or his filing of a signed revocation with the Retirement Board, whichever is earlier. Waivers and revocations shall be on forms furnished by the Retirement Board. (Ord. No. 167-58; Sec 1)

SEC. 16.88. WAIVER OF PENSIONS — DEPOSIT OF WAIVED PAYMENTS IN GENERAL FUND; PERSONS WAIVING TO REMAIN UNDER RETIREMENT REGULATIONS. Pension payments waived pursuant to Section 16.87 of this Code shall be deposited in the General Fund and shall in no event be paid to or on account of the person executing a waiver thereof. Persons waiving pension payments shall continue to be subject to Charter and ordinance provisions governing the Retirement System as if no waiver had been filed and the payments had been received. (Ord. No. 167-58, Sec. 2)

SEC. 16.88-1. CONDITIONS UNDER SECTION 210(L) OF FEDERAL SOCIAL SECURITY ACT. Sections 16.88-3, 16.88-4, 16.88-5, 16.88-6, 16.88-7 of this Article shall not be applicable to any position which is covered employment under Section 210(L) of the Federal Social Security Act (a) while occupied by a member prior to the federal execution date of a modification of the master federal-state old-age survivors and disability insurance agreement to extend coverage to members of the system under said act, unless he is a member who affirmatively exercised the option in Section 16.88-2 of this Article, or (b) while occupied at any time by a member who occupied any such position on such federal execution date, unless he is a member who affirmatively exercised the option in Section 16.88-2 of this Article, or (c) while occupied by any person prior to the effective date of coverage of members of the system under such agreement. (Added by Ord. 488-59, App. 9/14/59)

SEC. 16.88-2. MEMBER'S OPTION. A member shall have the option to be exercised in writing on a form furnished by the system and to be filed in the office of the system not later than 180 days after the federal execution date of a modification of the master federal-state old-age survivors and disability insurance agreement, to extend coverage to members of the system under the Federal Social Security Act, to have Charter Section 8.514 as in effect on the effective date hereof or as amended or supplemented hereafter, applicable to positions which were covered employment under Section 210(L) of said act (a) while occupied by him on and after the effective date of coverage of members of the system under such agreement, but prior to such federal execution date if he is a member who did not occupy any such position on such federal execution date, or (b) while occupied by him on and after the effective date of coverage of members of the system under such agreement, if he is a member who occupied any such position on such federal execution date. (Added by Ord. 488-59, App. 9/14/59)

SEC. 16.88-3. MEMBER COVERED UNDER FEDERAL SOCIAL SECURITY. A member who becomes covered under the old-age survivors and disability insurance provisions of the Federal Social Security Act, on account of service rendered by him to the City and County, shall have the allowance payable by the system to him upon retirement for disability after attaining age 55, or for service reduced while payable to him and effective:

(a) When he attains the retirement age as defined from time to time in the old-age and survivors' disability insurance provisions of the Social Security Act, such age to be analogous to the retirement age of 65 years for men and 62 years for women in said act on the effective date of Section 8.514 of the Charter; or

(b) On the effective date of his retirement under the system, whichever is later:

—By an amount which shall bear the same ratio to $\frac{1}{2}$ of the old-age insurance benefit paid to him; or

—Payable upon being applied for; or

—That would be payable if he had not disqualified himself to receive them, under said act as in effect on the effective date hereof; or

—As said act may hereafter be amended or supplemented before the effective date of such reduction, as the salary paid to him on account of service (except service rendered in positions to which this Section is not applicable pursuant to Section 271, credited to him under the system, and entering into the determination of said old-age benefit bears to the total of his earnings from whatever source, entering into said determination;

provided, however, that the amount of the reduction under this Section shall not exceed the portion of the retirement allowance, prior to modification under an option provided by ordinance, which is not derived from contributions of said member. For the purposes of this Section the salary paid to him in any calendar year on account of service, except service rendered in positions to which this Section is not applicable pursuant to Section 16.88-1, credited to him under the system, and entering into the determination of said primary benefit, shall be taken as the total salary paid to him in such year on account of such service which is not in excess of his total earnings in such year, from whatever source, entering into said determination.

Such reduction shall be applied first to the portion of his retirement allowance which is based on his service while a member of the system but which is not provided by his accumulated contributions, and if such reduction exceeds such portion the excess shall be applied to reduce the portion of his retirement allowance which is based on his service while not a member of the system and which is not provided by his accumulated contributions and if, because of his election of an option provided by ordinance, such excess exceeds such portion of his retirement allowance which is based on his service while not a member of the system and which is not provided by his accumulated contributions, or if there is no such portion, then such excess or the balance of it shall be applied to reduce the portion of his allowance which is provided by his accumulated contributions. (Added by Ord. 488-59, App. 9/14/59)

SEC. 16.88-4. MEMBER'S RIGHT TO REDUCE CONTRIBUTIONS.

Any such member shall have the right to reduce his normal contributions under the system on account of his compensation in any position, except positions to which this Section is not applicable pursuant to Section 16.88-1, at his option to be exercised by an election in writing on a form furnished by the system, said election to be effective on the first day of the month next following the date on which it is filed in the office of the system.

Such reduction of normal contributions shall apply only to time during which said member is covered under the act, on and after the effective date of such election, and the amount of such reduction, which may be changed from time to time by said member in accordance with rules and regulations of the Retirement Board, shall not be more in any month than the amount of contributions deducted

from his compensation for such month on account of his coverage under the old-age survivors and disability insurance provisions of the Federal Social Security Act. (Added by Ord. 488-59, App. 9/14/59)

SEC. 16.88-5. ALLOWANCE REDUCED. Any allowance payable by the system to or on account of a member shall be reduced on the effective date of said allowance by the actuarial equivalent on said date, of the contributions, including interest to said date, with which the member would have been but was not credited under the system because of the reduction in his normal contributions pursuant to Section 16.88-4 and because of amounts paid from such member's accumulated contributions pursuant to Section 16.88-6 and any continuation of said allowance shall be based on such reduced allowances but said allowance shall not be affected otherwise by such reduction of his normal contributions, or by such amounts paid from his accumulated contributions. Such reduction shall be applied to the portion of his retirement allowance which would have been provided by his accumulated contributions as they would have been if his normal contributions had not been reduced, pursuant to Sections 16.88-4 and 16.88-6.

Said member shall have the right to contribute, in accordance with rules and regulations of the Retirement Board, amounts which shall be administered as additional contributions to replace all or part of such reduction in his retirement allowance. (Added by Ord. 488-59, App. 9/14/59)

SEC. 16.88-6. EFFECTIVE DATE OF COVERAGE UNDER SOCIAL SECURITY RETROACTIVE. The effective date of coverage of members under the old-age and survivors disability insurance provisions of the Federal Social Security Act by a modification of the federal-state old-age and survivors disability insurance agreement shall be made retroactive to the earliest date permissible under said act. Contributions required of each member under said act for time prior to the federal execution date of such modification, and during which he was not in a position which was covered employment under Section 210(L) of the Federal Social Security Act, shall be paid from such member's accumulated contributions held by the system on account of his compensation not in excess of the maximum compensation taxable under said act for such retroactive time.

If the required contributions under said act exceed the member's accumulated contributions held by the system so determined, contributions under said act equal to the excess shall be paid by the member. Contributions required under said act of the employer on account of time prior to said execution date shall be paid from funds held by the system on account of active members and derived from contributions of the City and County. (Added by Ord. 488-59, App. 9/14/59)

SEC. 16.88-7. RETIREMENT BEFORE MINIMUM AGE UNDER SOCIAL SECURITY. Any member upon his retirement for service before attainment of the minimum age of qualification for his primary benefit under the old-age and survivor disability insurance provisions of the Federal Social Security Act, may elect to adjust his retirement allowance under the system, effective on the effective date of such allowance, by an increase from time prior to his attainment of such age and a decrease for time on and after his attainment of such age, provided that: (1) the amount of the increase and decrease shall be actuarially equivalent; (2) the

adjustment shall be based on an estimated reduction in his retirement allowance pursuant to the provisions of Section 16.88-3 of this Article, if determined in accordance with the provisions of said act as in effect on the effective date of his retirement under the system, and by taking into account only his coverage under said Act, prior to said effective date; (3) the increase shall not be modified under an option provided by ordinance; (4) such election shall be irrevocable; (5) such election may not be executed earlier than 90 days before the effective date of his retirement allowance, and shall be effective only if executed on a form provided by the Retirement System and filed in the office of the system prior to the date on which the first payment on account of his retirement allowance is made. (Added by Ord. 488-59, App. 9/14/59)

SEC. 16.89. FEES FOR MEDICAL EXAMINATIONS. The Retirement System is hereby authorized to accept the fees for the cost of re-examinations when the personal physicians of certain applicants for appointment of civil service positions file reports contending that conditions reported by the civil service medical examiner do not exist in fact, or are of no significance in evaluating the suitability of the applicants for employment, and such funds received shall be deposited in a special fund known as the Medical Re-examination Fund, Civil Service, and the receipt and expenditure of this fund shall be subject to the provisions of the annual appropriation ordinance. (Res. No. 16051 (1939))

SEC. 16.89-1. MEDICAL EXAMINATIONS OF APPLICANTS FOR ENTRANCE POSITIONS IN UNIFORMED FORCES OF POLICE AND FIRE DEPARTMENTS. All applicants for entrance position in the uniformed forces of the Police and Fire Departments, after the effective date of this ordinance, shall be given X-ray examinations of the back and electrocardiogram tests as part of the Civil Service Commission entrance physical examination, provided, however, that policewomen applicants shall be given the electrocardiogram tests only. (Added by Ord. 322-67, App. 12/20/67)

SEC. 16.89-2. PHYSICAL EXAMINATIONS REQUIRED, MEMBERS OF THE UNIFORMED FORCES OF THE POLICE AND FIRE DEPARTMENTS. (a) Uniformed members of the Police and Fire Departments appointed on or after the operative date of this Section, and such current uniformed members who so elect, shall submit to periodic physical examinations by a physician or physicians designated by the Civil Service Commission subject to the procedures herein listed. The cost of such examinations shall be borne by the City and County.

(b) Uniformed members of the Police and Fire Departments whose dates of appointment precede the operative date of this Section may elect to avail themselves of the periodic physical examinations herein provided. Those members who so elect may also elect to be covered by the same provisions applicable to employees appointed after the operative date of this Section; or they may specify that only Subsection (c) and the first sentence of Subsection (f) of this Section shall apply. An employee who elects to avail himself of these examinations may not withdraw or change his option without the consent of the Civil Service Commission and the commission of his department.

(c) Periodic physical examinations will be given on the following schedule: (1) Employees under 30 — no examinations; (2) Employees from age 30 to age 40 — physical examination upon reaching the age 30 and every second year thereafter; (3) Employees 41 years of age and older — physical examinations annually. Such examinations will be given to individual members as soon as practicable after attaining the age required for each periodic examination.

(d) The Civil Service Commission will establish standards of physical fitness jointly with the Police or Fire Commissions for members of their respective departments. Such standards shall take into consideration the nature of the duties and responsibilities of the various ranks within each department and of the ages and assignments of the persons examined.

(e) The Civil Service Commission, the departments concerned, and those employee organizations whose membership includes not less than 10 percent of the uniformed employees of either the Police Department or the Fire Department shall nominate a panel of at least three physicians not regularly employed by the City and County to serve as a Medical Review Board. Such nomination shall be unanimous. The Medical Review Board shall have the power to review all findings and make recommendations thereon, including referral of individuals for further testing prior to final recommendation and consultation with medical specialists.

(f) The findings of the examining physician or physicians shall be reported to each person examined insofar as medical ethics permit and may be reported to a physician to be named by that person. The findings shall also be referred to the Civil Service Commission and to the departmental commission applicable. The examining physician or physicians shall report that (1) the examinee is fit for continued service, (2) the examinee is not fit for continued service, or (3) special findings are required, together with a recommendation based on these special findings. Findings under (1) shall be considered routine and shall be so recorded in personnel files. Findings under (2) and (3) shall be considered by the Civil Service Commission or the General Manager, Personnel, who shall consult with the department concerned. The employee so concerned shall have the right to contest such findings by appeal to the Medical Review Board and the Civil Service Commission. (Added by Ord. 222-68, App. 7/31/68)

SEC. 16.89-3. PURPOSE. Sections 16.89-3 through 16.89-14 are enacted pursuant to the provisions of Section 8.506-1 of the Charter to implement the provisions of Chapter 239 of the Statutes of 1972 and amendments thereto. (Added by Ord. 15-73, App. 1/5/73)

SEC. 16.89-4. PERSONS AFFECTED. The provisions of Sections 16.89-3 through 16.89-7 concern and are applicable only to teachers of the San Francisco Unified School District and the San Francisco Community College District who were members of the San Francisco City and County Employees' Retirement System on June 30, 1972, and who thereafter elected in accordance with Section 14116.4 of the Education Code, to be members solely of the State Teachers' Retirement System with respect to credentialed service rendered in the San Francisco Unified School District and the San Francisco Community College District and said sections do not concern and are not applicable to teachers of the San Francisco Unified School District or San Francisco Community College District

who were members of the San Francisco City and County Employees' Retirement System on June 30, 1972, and who thereafter elected, in accordance with Section 14116.4 of the Education Code to be members of the San Francisco City and County Employees' Retirement System with respect to credentialed service rendered in the San Francisco Unified School District and the San Francisco Community College District. (Added by Ord. 15-73, App. 1/5/73)

SEC. 16.89-5. ELECTION BY PERSON WHO "VESTED." Any teacher who was a member of the State Teachers' Retirement System and the San Francisco City and County Employees' Retirement System because of credentialed service rendered in the San Francisco Unified Schools District or San Francisco Community College District and who prior to February 15, 1973, made an election pursuant to Subsection (F) of Section 8.509 of the Charter (formerly Section 165.2 of the Charter of 1932) to allow his accumulated contributions to remain in the Retirement Fund shall have the right to make the election provided in Section 14116.4 of Education Code. (Added by Ord. 15-73, App. 1/5/73)

SEC. 16.89-6. HEALTH SERVICE SYSTEM COVERAGE. A teacher who elects, in accordance with Section 14116.4 of Education Code, to be a member of State Teachers' Retirement System shall not be prevented from participating in the benefits of the Health Service System because of such election; provided, such teacher would otherwise have been eligible to participate in the benefits of said Health Service System.

The contributions required of such teachers who are members of the Health Service System shall be equal to the contributions required from active employee members in the Health Service System.

Upon, and if otherwise eligible, such teacher retirement shall be considered a retired member for purposes of determining the contributions required of him pursuant to the provisions of Subsection (c) of Section 8.428 of the Charter. (Added by Ord. 363-72, App. 12/20/72)

SEC. 16.89-7. DEATH BENEFIT. Upon the death, prior to retirement, of a teacher who is a member of the State Teachers' Retirement System and who has elected to retain credit in the San Francisco City and County Employees' Retirement System for adult program or evening school service or for classified or other noncertificated service, a death benefit shall be paid to his estate or designated beneficiary consisting of the sum of \$1,000 plus his accumulated contributions and interest credited thereon; provided, however, that said sum of \$1,000 shall not be payable if there is payable by the State Teachers' Retirement System a lump sum death benefit. (Added by Ord. 15-73, App. 1/5/73)

SEC. 16.89-8. HEALTH SERVICE SYSTEM COVERAGE — POST 6/30/72 TEACHERS. Teachers first employed by the San Francisco Unified School District or San Francisco Community College District after June 30, 1972, shall not be prevented from participating in the benefits of the Health Service System because such teachers are not members of the San Francisco City and County Employees' Retirement System and they shall be entitled to participate in the benefits of the Health Service System if they are otherwise eligible to participate

in the benefits of that system. The contributions required of such teachers who are members of the Health Service System shall be equal to the contributions required from active employee members in the Health Service System.

Upon retirement under the State Teachers' Retirement System and, if otherwise eligible, such teachers shall be considered retired members for purposes of determining the contributions required of them pursuant to the provisions of Subsection (c) of Section 8.428 of the Charter. (Added by Ord. 363-72, App. 12/20/72)

SEC. 16.89-9. ELECTION FOR REFUND — BENEFITS FOR CREDITED SERVICE. At the time of the making of the election provided by Section 14116.4 of the Education Code, a teacher having credit in the San Francisco City and County Employees' Retirement System for adult program or evening school service or for classified or other noncertificated service who elects to be a member solely of the State Teachers' Retirement System with respect to credentialed service rendered in the San Francisco Unified School District or the San Francisco Community College District shall also make an irrevocable election either to retain credit in the San Francisco City and County Employees' Retirement System for such service or to have his accumulated contributions attributable to such service, together with interest credited thereon, refunded to him.

If a teacher elects to have his accumulated contributions attributable to such service refunded, he shall be entitled to refund only of those contributions attributable to adult program or evening school service for which he is not entitled to credit in the State Teachers' Retirement System.

If a teacher elects to retain credit in the San Francisco City and County Employees' Retirement System for adult program or evening school service, he shall be entitled to credit in said retirement system for all adult program or evening school service which he renders after June 30, 1972, in the San Francisco Unified School District and San Francisco Community College District and shall make contributions to the Retirement Fund by way of deduction from each payment of compensation for such service in accordance with such teacher's rate of contribution.

If a teacher elects to retain credit in the San Francisco City and County Employees' Retirement System for adult program or evening school service or for classified or other noncertificated service, at the time of his retirement for service under the State Teachers' Retirement System, he shall be entitled to receive from the San Francisco City and County Employees' Retirement System a retirement allowance as follows:

(a) If such teacher is not qualified for service retirement under the San Francisco City and County Employees' Retirement System on the basis of service credited in said retirement system, his retirement allowance shall be the actuarial equivalent of his accumulated contributions attributable to his credited service, with interest credited thereon, and an equal amount of the contributions of the Unified School District or the Community College District.

(b) If such teacher is qualified for service retirement by reason of service credited in the San Francisco City and County Employees' Retirement System and his retirement is first effective after his attainment of the age of 60 years, his retirement allowance shall be at the rate of two percent of his average final

compensation for each year of such credited service in the San Francisco City and County Employees' Retirement System. The service retirement allowance of such teacher retiring prior to attaining the age of 60 years shall be such as can be provided at the age of retirement by the actuarial value, at the age of retirement, of the retirement allowance to which he would be entitled upon retirement at age 60 with the service credited at the date of actual retirement.

For purposes of this subsection, a teacher shall be deemed to be qualified for service retirement if he would have been qualified for service retirement under the San Francisco City and County Employees' Retirement System on the basis of his credited service in said retirement system plus such certificated service as would have been credited under said retirement system if he had not elected to become a member of the State Teachers' Retirement System with respect to certificated service rendered after June 30, 1972.

"Average final compensation," as used in this subsection, shall mean the average monthly compensation earned by such teacher during any year of credited service in the San Francisco City and County Employees' Retirement System or State Teachers' Retirement System in which his average final compensation is the highest.

For the sole purpose of determining qualification for service retirement under this subsection, 36 hours or more of service shall be deemed a year of service. (Amended by Ord. 286-74, App. 6/6/74)

SEC. 16.89-10. FUNDS TO BE DEPOSITED WITH STATE TEACHERS' RETIREMENT SYSTEM. The Retirement System shall deposit with the State Teachers' Retirement System as of July 1, 1973, the amounts required pursuant to Section 14116.11 of Education Code.

If the accumulated contributions of a teacher are less than the amount required to be deposited with the State Teachers' Retirement System with respect to such teacher, the necessary additional funds shall be provided from the accumulated reserves attributable of the Unified School District or Community College District; provided, however, that any shortage in the accumulated contribution account of a teacher which results from any of the following circumstances shall be the liability of such teacher and it shall be his responsibility to deposit the amount of such shortage with the State Teachers' Retirement System:

(a) Reduction of contributions to the Retirement System by the amount of social security tax;

(b) Use of a part of accumulated contributions for retroactive social security coverage;

(c) Failure to redeposit previously withdrawn contributions;

(d) Age correction,

(e) Payroll error resulting in insufficient deduction for Retirement System contribution;

(f) Membership under Section 8.507 of the Charter (formerly Section 165 of the Charter of 1932).

If the accumulated contributions of a teacher are in excess of the amount required to be deposited with the State Teachers' Retirement System, the amount of such excess shall be refunded to such teacher.

For the purposes of this Section, "accumulated contributions" shall mean the accumulated contributions of a teacher attributable to credentialed service rendered by such teacher pursuant to his contract with the San Francisco Unified School District or San Francisco Community College District for time since July 1, 1956, and said accumulated contributions attributable to all credentialed service rendered by such teacher with the San Francisco Unified School District or San Francisco Community College District for time prior to July 1, 1956. Any amount of contributions in excess of those defined in the preceding sentence shall be refunded to the teacher. (Added by Ord. 15-73, App. 1/5/73)

SEC. 16.89-11. SERVICE CREDIT — POST 6/30/72 TEACHERS. Teachers first employed by the San Francisco Unified School District or San Francisco Community College District after June 30, 1972, shall not be entitled to receive credit in the San Francisco City and County Employees' Retirement System for any service rendered in the San Francisco Unified School District or San Francisco Community College District. (Added by Ord. 15-73, App. 1/5/73)

SEC. 16.89-12. PERMANENT FUND BENEFIT. Upon retirement under the San Francisco City and County Employees' Retirement System, a teacher shall receive from said Retirement System a benefit which shall be the permanent fund benefit which such teacher had earned through June 30, 1972, as a member of the State Teachers' Retirement System as such benefit existed in Subdivision (a) of Section 14240 of the Education Code on June 30, 1972.

A teacher may elect to waive the benefit provided in the immediately preceding paragraph of this Section and to receive in lieu thereof a refund of the permanent fund contributions credited to his account with the San Francisco City and County Employees' Retirement System. Such election shall be made on a form prescribed by the Retirement Board and shall be filed at the office of the Retirement Board on or before December 31, 1974. Such election shall be irrevocable upon its being filed. A teacher who does not elect in accordance with the provisions of this paragraph to receive a refund of the permanent fund contributions credited to his account shall be entitled only to the benefit provided in the immediately preceding paragraph of this Section. (Amended by Ord. 192-74, App. 4/18/74)

SEC. 16.89-13. AUTHORITY OF GENERAL MANAGER. The General Manager, San Francisco City and County Employees' Retirement System, is hereby authorized to perform any and all acts, including but not limited to execution of agreements concerning administrative details and certification of records, necessary to implement the provisions of Chapter 239 of the Statutes of 1972 and amendments thereto and of Sections 16.89-1 through 16.89-10 of this Code. (Added by Ord. 15-73, App. 1/5/73)

SEC. 16.89-14. REDEPOSIT. A person who was a member of the State Teachers' Retirement System on June 30, 1972, and to whom accumulated contributions were previously refunded by the San Francisco City and County Employees' Retirement System may redeposit with said Retirement System in one lump sum (1) an amount equal to the accumulated contributions previously refunded

and (2) an amount equal to the interest which would have been credited to his account at the date of his election to redeposit had such contributions not been refunded.

Such person shall have the right to redeposit without re-entry into the San Francisco City and County Employees' Retirement System, provided that, at the time such person terminated City and County service, he was not eligible to make the election provided in Subsection (F) of Section 8.509 of the Charter (formerly Section 165.2 of the Charter of 1932). (Added by Ord. 15-73, App. 1/5/73)

ARTICLE IV-A

RESIGNATIONS OF CITY OFFICERS

SEC. 16.89-15. METHOD OF RESIGNATION. Resignations shall be in writing, and made as follows:

- (a) By elected officers, to the Clerk of the Board of Supervisors; and
- (b) By appointed officers, to the body or officer that appointed them. (Added by Ord. 536-79, App. 11/6/79)

SEC. 16.89-16. EFFECTIVE DATE. Such resignation shall become effective, unless otherwise stated in the written resignation, at the time at which they are received:

- (a) By the office of the Clerk of the Board of Supervisors, when submitted by an elected officer; or
- (b) By the office of the appointing authority, when submitted by an appointed officer. (Added by Ord. 536-79, App. 11/6/79)

SEC. 16.89-17. VACANCY OF OFFICE. Pursuant to Charter Section 8.104, an office becomes vacant when the incumbent thereof resigns. (Added by Ord. 536-79, App. 11/6/79)

SEC. 16.89-18. TEMPORARY SERVICE. Upon the effective resignation of an elected or appointed official, other than the Mayor, the Mayor may ask said official to return to his office until a successor is appointed. Upon the consent of said official, he shall so serve. Such request and agreement shall be in writing. (Added by Ord. 536-79, App. 11/6/79)

ARTICLE V

SALARY AND WAGE DEDUCTIONS

SEC. 16.90. CONTROLLER AUTHORIZED TO DEDUCT. (a) Based upon individual authorized deductions, revocable at will, the Controller is hereby authorized to deduct and collect moneys from the salaries or wages of officers or employees of the City and County of San Francisco, the San Francisco Unified

School District, the San Francisco Community College District, and judges, attaches and other employees of the Superior Court and Municipal Courts for the organizations and purposes in this Article.

(b) The Controller is hereby authorized to deduct and collect a bona fide union or employee organization service fee from the salaries or wages of officers or employees of the City and County of San Francisco, the San Francisco Unified School District, the San Francisco Community College District, and judges, attaches, and other employees of the Superior Court and Municipal Courts holding positions in classifications included within an agency shop agreement entered into pursuant to the laws of the State of California. (Amended by Ord. 1-82, App. 1/8/82)

SEC. 16.91. PROCEDURE FOR ADMINISTERING ARTICLE. The Controller shall prescribe the procedure for administering the provisions of this Article. (Ord. No. 10598 (1939), Sec. 3)

SEC. 16.92. FEES FOR COLLECTION OF DEDUCTIONS; PAYMENT OF BALANCE TO PARTICULAR ORGANIZATION. With respect to the deductions and collections authorized by Section 16.90 of this Code, the Controller shall determine, establish, charge and deposit in the treasury to the credit of the general fund, fees for making such deductions and collections, which fees shall not be less than the costs of such services. After deduction of the fees respectively chargeable for such services, the Controller shall pay the balance of the amounts deducted and collected to that organization for which they have been collected. (Ord. No. 10598 (1939), Sec. 2)

SEC. 16.93. ORGANIZATIONS FOR WHICH DEDUCTIONS CAN BE MADE. Deductions and collections as provided by this Article shall be made for the organizations and the purposes designated in the following paragraphs:

(a) Bona fide unions or employee organizations, for dues or assessments, and for premiums or membership fees for automobile, life, accident, health or disability insurance provided under a group plan by said bona fide unions or employee organizations; and when authorized by memorandum of understanding, voluntary political committee contributions.

(b) Bona fide charitable organizations, for donations.

(c) Nonprofit California corporations which are compelled by their bylaws to make and which solely and actually do make gifts to bona fide charitable organizations, for donations.

(d) San Francisco Firemen Federal Credit Union, for the payment of money to or the purchase of shares in.

(e) San Francisco Police Department Federal Credit Union, for the payment of money to or the purchase of shares in.

(f) San Francisco Police Post Federal Credit Union, for the payment of money to or the purchase of shares in.

(g) Recreation and Park Federal Credit Union, for the payment of money to or the purchase of shares in.

(h) San Francisco Municipal Employees' Credit Union, for the payment of money to or the purchase of shares in.

(i) San Francisco Federated Teachers' Credit Union, for the payment of money to or the purchase of shares in.

(j) San Francisco Railway Employees' Federal Credit Union for the payment of money to or the purchase of shares in.

(k) San Francisco Municipal Shopmen's Credit Union, for the payment of money to or the purchase of shares in.

(l) Municipal Post No. 429, American Legion, for dues or assessments.

(m) Stationary Engineers Local 39 Federal Credit Union, for the payment of money to or the purchase of shares in.

(n) San Francisco Civil Service Commission, for fees relating to the imprinting and processing of fingerprints.

(o) Safeguard Health Plans, Inc. for the payment of premiums for a Voluntary Dental Plan, which has been approved by the Health Service System Board. (Amended by Ord. 485-82, App. 9/30/82)

ARTICLE VI

TRAVEL EXPENSES

SEC. 16.94. TRAVEL ALLOWANCES FOR EMPLOYEES LIVING IN CITY AND COUNTY AND WORKING OUTSIDE CITY AND COUNTY.

Employees living within the City and County, assigned to duty outside the City and County, necessitating travel each work day to and from the City and County to accomplish their tours of duty, may be paid a travel allowance for each such day as provided by Section 16.96 of this Code. (Ord. No. 7274 (1939), Sec 1)

SEC. 16.95. EMPLOYEES LIVING OUTSIDE CITY AND COUNTY ASSIGNED TO DUTY OUTSIDE CITY AND COUNTY.

Employees living outside the City and County, who are assigned to duty at some remote city facility outside the City and County where reasonable public transportation is not available, thus necessitating travel each work day to and from their places of abode to accomplish their tours of duty, may be paid a travel allowance for each such day, as provided by the following section. (Ord. No. 7274 (1939), Sec. 2)

SEC. 16.96. METHOD OF FIXING RATE OF TRAVEL ALLOWANCE.

Travel allowance shall be allowed at rates recommended by the department head, Chief Administrative Officer, board or commission concerned and approved by the Board of Supervisors at the time appropriations are made therefor. (Ord. No. 7274 (1939), Sec. 3)

ARTICLE VII

RESIDENCE REQUIREMENTS

SEC. 16.98. REQUIREMENTS FOR PERSONS ENTERING SERVICE. Except as otherwise provided in the Charter, the residence requirements for applicants for appointment to offices and employments shall be as follows:

(a) Applicants for entrance positions in the uniformed forces of the Police and Fire Departments shall have been residents of San Francisco for the one year period immediately prior to the last date for receipt of applications.

(b) For all other offices and employments residence requirements shall be as follows:

(1) **General Provisions.** Applicants for entrance positions must have been residents of San Francisco for the one year period immediately prior to the last date for receipt of applications, if the position is subject to civil service examination, or the date of application if the position is exempt from civil service examination. This requirement may be waived or modified to current residence in San Francisco if the Civil Service Commission finds that such waiver or modification is necessary to attract a sufficient number of qualified applicants based on current or prior experience in recruitment. Such waiver or modification may also be made with respect to positions not subject to civil service examination upon application of the appointing officer to the Civil Service Commission.

(2) **Specially Funded Programs.** The residence requirements for specially funded program applicants where the funding agency sets special residence requirements shall be subject to the approval of the Civil Service Commission.

(3) **Exceptions.** San Francisco residence shall not be required for: promotional examinations; entrance examinations in those cases wherein the applicant is an employee of the City and County meeting legal residence requirements applicable to employees; positions outside of the City and County; positions requiring a four-year college or university degree or professional registration or licensing in engineering, medicine, nursing, probation, or other field, except in those cases where the Civil Service Commission anticipates on the basis of past experience that a sufficient number of qualified applications will be received from residents of San Francisco; and those examinations for which the filing period must be extended beyond three weeks for the express purpose of recruiting a sufficient number of qualified applicants. (Amended by Ord. 71-74, App. 2/8/74)

SEC. 16.99. RESIDENCE DURING EMPLOYMENT. Except as provided in Sections 16.99-1 through 16.99-6, inclusive, of this Code, all persons appointed to offices or employment in this City and County service shall continue to be residents of the City and County or shall reside within five miles of the physical boundaries of the City and County of San Francisco on the west, north, and east sides and within five miles of the City and County line on the south side.

The Civil Service Commission shall maintain a map available for public inspection showing the boundaries of the required residence area for all persons appointed to offices or employment in the City and County office. Said map shall be prepared by the City Engineer and shall be conclusive evidence of the boundaries of required residence areas. (Amended by Ord. 473-76, App. 12/7/76)

SEC. 16.99-1. RESIDENCE DURING EMPLOYMENT — WHEN PREAPPOINTMENT RESIDENCE REQUIREMENT WAIVED. Persons appointed to offices or employments for which the preappointment residence requirement of Section 16.98 of this Code has been waived, or appointed as members of the uniformed force of the Police and Fire Departments who do not so reside within the limits set forth in Section 16.99 of this Code, at the time of their

appointment, shall establish such residence: (1) if the position is subject to civil service examination, within six months after completion of the probationary period prescribed by the Charter; and (2) if the position is not subject to civil service examination, within one year after appointment thereto.

Nonresident appointees to positions located in San Francisco may petition the Civil Service Commission for an extension of the period within which they are required to establish residence within the limits set forth in Section 16.99 of this Code, and, upon the showing of good cause, may be granted reasonable extensions for six-month periods up to a maximum total extension of three years. (Amended by Ord. 147-75, App. 4/18/75)

SEC. 16.99-2. RESIDENCE DURING EMPLOYMENT — EMPLOYEE RESIDENT AT TIME OF APPOINTMENT. Where an employee who resides within the limits set forth in Section 16.99 of this Code at the time of appointment is assigned to a position, the usual and major duties of which require the employee's daily presence at places outside the City and County, the employee may, with the prior approval of the Civil Service Commission, establish and maintain a residence convenient to the employee's place of employment for the duration of such assignment. (Amended by Ord. 147-75, App. 4/18/75)

SEC. 16.99-3. RESIDENCE DURING EMPLOYMENT — BOTH SPOUSES EMPLOYED BY CITY AND COUNTY BUT DUTIES OUTSIDE CITY AND COUNTY. Where both spouses are employed by the City and County and are assigned to positions, the usual and major duties of which require their daily presence outside the City and County, and they have established a residence convenient to said place of employment, the subsequent assignment of one of the spouses to a position located within the City and County shall not require any change of residence by the spouse so assigned. (Added by Ord. 204-71, App. 8/6/71)

SEC. 16.99-4. RESIDENCE DURING EMPLOYMENT — CIVIL SERVICE RIGHTS NOT AFFECTED. The establishment of such a residence outside the limits set forth in Section 16.99 of this Code shall not in any way affect the civil service or other employment rights of the employee. (Amended by Ord. 147-75, App. 4/18/75)

SEC. 16.99-5. RESIDENT DEFINED. For the purposes of Sections 16.99 through 16.99-6, a resident shall mean a person who actually lives within the limits set forth in Section 16.99 of this Code and maintains an abode therein where such person with his family, if any, customarily spends the night. (Amended by Ord. 147-75, App. 4/18/75)

SEC. 16.99-6. RESIDENCE DURING EMPLOYMENT — EXCEPTIONS. The provisions of Section 16.99 shall not apply to:

(a) Any person residing outside the limits set forth in Section 16.99 of this Code on the effective date of this Section, whose appointment resulted from an examination announced prior to said date;

(b) Any person residing outside the limits set forth in Section 16.99 of this Code on said effective date, appointed to a civil service exempt position prior to said date;

(c) Any person residing outside the limits set forth in Section 16.99 of this Code on said effective date, and occupying a position in the City and County service on said date who is appointed to another position resulting from an entrance or promotional examination announced subsequent to said date;

(d) Any person residing outside the limits set forth in Section 16.99 of this Code on said effective date, and occupying a position in the City and County service on said date, who is appointed to a civil service exempt position subsequent to said date;

(e) Any person residing within the limits set forth in Section 16.99 of this Code and occupying a position in the City and County service on said effective date, who had entered into a contract for the construction or purchase of a home outside the limits set forth in Section 16.99 of this Code prior to said effective date;

(f) Any person whose spouse is an employee of another public jurisdiction which requires residence of an employee within that jurisdiction and who resides with said spouse in said jurisdiction; and

(g) Any person who is an unemancipated minor for so long as that person remains unemancipated. (Amended by Ord. 147-75, App. 4/18/75)

SEC. 16.100. WAIVER OF REQUIREMENTS OF SECTIONS 16.98 AND 16.99. After considering the needs of the service, the Board of Supervisors may, upon the recommendation of either the commission, if any, or the department head concerned and approval of the Mayor, and if the position is subject to civil service examination, upon approval by the Civil Service Commission, by resolution, waive the requirements of Section 16.98 and 16.99 of this Code as to the residence of any and all the offices and employments described therein. (Ord. No. 166-58; Sec. 4)

SEC. 16.101. APPOINTMENT OF NONRESIDENTS FOR WORK OUTSIDE CITY AND COUNTY. Where it is not possible to secure competent persons, who are residents within the meaning of Section 16.98 of this Code, to fill positions which require the daily presence of the employee at places outside the City and County, nonresidents may be appointed. (Amended by Ord. 189-62, App. 7/13/62)

SEC. 16.101-1. NONRESIDENT CIVIL SERVICE EMPLOYEES RIGHT TO COMPETE IN PROMOTIONAL EXAMINATIONS. Nonresident employees of the City and County and employees of the San Francisco Unified School District who are not residents of the City and County, may compete in promotional examinations on the same basis as any other employee of the City and County and shall have eligibility rights on promotive registers for appointment to positions inside of the City and County of San Francisco, provided that such nonresident employee who accepts promotive appointment from a promotional register to a position inside of the City and County of San Francisco shall become a resident of the City and County of San Francisco within six months after completion of the probationary period. Nonresident employees or eligibles who become

residents of the City and County of San Francisco for one year may, upon presentation of acceptable records of such residency to the Civil Service Commission, have their eligibility or employee status changed to that of a resident. (Added by Ord. 189-62, App. 7/13/62)

SEC. 16.102. TEMPORARY ABSENCES FROM CITY AND COUNTY NOT A VIOLATION. Absence from the City and County of any officer or employee: (1) For a period of three months or less in any calendar year; (2) while on a journey for business or pleasure; (3) when on a leave of absence approved by the Civil Service Commission; or (4) while performing the duties of an official or employee of the City and County, state or United States government, shall not constitute a violation of the residence requirements of this Article. (Ord. No. 166-58, Sec. 6)

SEC. 16.103. AUTHORITY TO LIVE OUTSIDE CITY AND COUNTY. (a) Any officer or employee, except elective officers, may apply directly to the Retirement Board, without any prior application or approval of any officer, board or commission, for authorization to live outside the City and County. Such application shall be made upon forms prescribed by the Retirement Board. A copy of such application shall be filed by the officer or employee with his department head, who shall have 10 days thereafter in which to file any objections to such application with the Retirement Board. The Retirement Board is hereby granted the exclusive authority to permit any officer or employee described herein to live outside the City and County if, on the basis of medical examinations and reports, the Retirement Board determines that such officer or employee or a member of his immediate family suffers from a condition of ill health which necessitates that such officer or employee or member of his immediate family live outside the City and County as a means of eliminating or substantially ameliorating such condition of ill health. The Retirement Board shall require medical examinations, at the applicant's expense, and such other information in regard to any such application as it shall deem reasonable. Such authorization shall be terminated after 60 days' notice by the Retirement Board when in its opinion the authorization is no longer justified. The Retirement Board may at any time, but not later than every two years, shall require such medical examinations and information as it may deem reasonable to determine the continued existence of such authorization. Failure to comply with the request of the Retirement Board or any physician designated by it shall constitute good cause for the Retirement Board to deny or terminate such authorization.

The authorization to live outside the City and County pursuant to this Section and any modification or termination thereof shall be filed by the Retirement Board with the applicant's department head. Authorization to live outside the City and County on account of the ill health of an officer or employee heretofore granted by the Civil Service Commission or the Retirement Board shall continue in effect subject to the provisions of Section 16.99. (Amended by Ord. 231-74, App. 5/16/74)

SEC. 16.104. EFFECT ON NONRESIDENTS UNDER AUTHORITY GRANTED BEFORE EFFECTIVE DATE OF ARTICLE. Nothing in this Article shall be construed to in any way affect the residence of any officer or employee which was authorized by resolution adopted pursuant to a Charter provision or an

ordinance prior to the effective date of this Article; provided, however, that persons whose names presently appear on Civil Service eligible lists for appointment to offices or employments whose preappointment residence only has heretofore been waived by the Board of Supervisors shall become subject to the provisions of Section 16.99 of this Code after appointment. (Ord No. 166/58; Sec 8)

SEC. 16.105. CERTIFICATION AS TO RESIDENCY ON TIME-ROLLS; STATEMENT TO BE FILED SEMIANNUALLY. It shall be the duty of the appointing authority to certify on each timeroll submitted that all employees in his department are residents within the meaning of this Article. Each officer and employee shall semiannually file with the appointing authority a statement as to the status of his residence, on a form to be prescribed by the Controller. (Ord No. 166-58, Sec. 9)

SEC. 16.106. COMPLIANCE WITH ARTICLE BY SEPTEMBER 30, 1960. Any officer or employee whose residence on March 31, 1958, did not meet the residential requirements of Section 16.99 of this Code, or any exception thereto provided for in this Article, shall have until September 30, 1960, to comply therewith. Failure to so comply by September 30, 1960, shall subject the officer or employee to the proceedings and penalties provided in Section 16.107 of this Code, but no penalty of any nature shall attach for such noncompliance prior to September 30, 1960. (Amended by Ord. 195-60, App. 4/21/60)

SEC. 16.107. VIOLATIONS OF ARTICLE. Any violation of this Article shall constitute official misconduct or cause for dismissal and shall subject the violator to the proceedings and penalties provided therefor in the Charter. (Ord. No. 166-58, Sec. 11)

ARTICLE VIII

EMPLOYEE SUGGESTION PROGRAM

SEC. 16.108. PURPOSE. The purpose of the employee suggestion program is to encourage employees to suggest improvements in the management and operation of the City and County in order to sustain and improve services, increase nontax revenues, reduce inefficiency and improve the quality of work life. The program will further positive recognition to employees who help accomplish improvements in services through the program. The program will be operated so as to encourage a joint labor-management effort to make problem solving better coordinated, more efficient, and to the overall benefit of employees, management, and the public. (Amended by Ord. 307-82, App. 6/24/82)

SEC. 16.109. DEFINITIONS. For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Award. A suggestion award is a payment of money based upon either estimated savings made possible by the adoption of a suggestion or a payment of from \$50 to \$100.

Commendation. A commendation is a letter, certificate or other form of nonmonetary recognition.

Employee. For the purposes of the Employee Suggestion Program, a City and County employee is a person occupying a position in the City and County service for more than 130 days, but does not include officers as defined in Section 1.103 of the Charter.

Suggestion. A suggestion is a constructive proposal for a new procedure or change in existing procedures which makes possible reduction, elimination, or avoidance of City and County expenditures or results in an improvement in the management and operation of the City and County government. (Amended by Ord. 307-82, App. 6/24/82)

SEC. 16.110. RESPONSIBILITIES OF DEPARTMENT HEAD. The Department Head shall:

- (a) Stimulate and encourage employees to submit suggestions;
- (b) Designate a member of the staff responsible for administration of the suggestion program within the Department;
- (c) Appoint the members of the Department Suggestion Committee;
- (d) Review the Department Suggestion Committee's recommendations regarding commendations or awards, including the amount thereof;
- (e) Determine whether suggestions will be implemented and forward his or her decision regarding commendations and awards, including the amount thereof, to the Central Suggestion Committee; and
- (f) Make certain that suggestions which would result in elimination or reduction of City and County expenditures or improve operations are put into effect whenever feasible. (Amended by Ord. 307-82, App. 6/24/82)

SEC. 16.111. DEPARTMENTAL ADMINISTRATOR; DUTIES. (a) **Departmental Administrator.** For the purpose of administering the Employee Suggestion Program, the person designated by the Department Head to be responsible for administration of the suggestion program within the Department shall be known as the "Departmental Administrator."

(b) **Duties.** The Departmental Administrator is responsible for all aspects of administering the Employee Suggestion Program in the Department. This includes, but is not limited to accepting and acknowledging receipt of suggestions, transmitting copies of each suggestion to the Department Head, the Department Suggestion Committee and the Central Suggestion Committee; giving the Department Head, the Department Suggestion Committee and the Central Suggestion Committee timely notice of deadlines; and promptly notifying employees who submit suggestions of any anticipated delays in consideration of the suggestion. (Amended by Ord. 307-82, App. 6/24/82)

SEC. 16.112. DEPARTMENT SUGGESTION COMMITTEE; MEMBERS; DUTIES; MEETINGS; AND JOINT DEPARTMENT SUGGESTION

COMMITTEE. (a) **Member.** The members of the Department Suggestion Committee are appointed by and serve at the pleasure of the Department Head. The Department Head shall appoint persons who have the expertise needed to fairly consider and evaluate suggestions.

(b) **Duties.** The Department Suggestion Committee shall:

(1) Review suggestions from employees of the Department;

(2) Make recommendations to the Department Head regarding implementation of suggestions;

(3) Make recommendations to the Department Head regarding commendations and awards, including the amount thereof; and

(4) Make recommendations to the Department Head regarding methods for stimulating and encouraging employees to submit suggestions.

In carrying out its functions, the Department Suggestion Committee shall consult with other employees and outside experts as it deems necessary.

(c) **Meetings.** The frequency of and agenda for the Committee's meetings are subject to the approval of the Department Head.

(d) **Joint Department Suggestion Committee.** Department Heads may establish a joint Department Suggestion Committee for convenience and efficiency of purpose. (Amended by Ord. 307-82, App. 6/24/82)

SEC. 16.113. CENTRAL SUGGESTION COMMITTEE; MEMBERS; DUTIES; STAFF SUPPORT; MEETINGS; AND DEPARTMENT COMMENDATIONS. (a) **Central Suggestion Committee.** A three-member Central Suggestion Committee is hereby created.

(b) **Members.** The President of the Board of Supervisors, the Mayor and the Chief Administrative Officer shall each designate one person and one alternate to serve on the Central Suggestion Committee. A member of the Committee shall serve for a term of two years and shall hold office until a successor has been appointed.

(c) **Duties.** The Central Suggestion Committee shall:

(1) Review and approve or disapprove the Department Head's recommendation regarding a commendation or award, including the amount thereof;

(2) Review requests for reconsideration of suggestions and recommend action thereon to the Department Head;

(3) Review suggestions submitted directly to the Central Suggestion Committee and approve or disapprove them for commendations;

(4) Investigate complaints regarding the Employee Suggestion Program; and

(5) Review operation of the Employee Suggestion Program in each department.

In carrying out its functions, the Central Suggestion Committee shall consult with other employees and outside experts as it deems necessary.

(d) **Staff Support.** Responsibility for providing staff support to coordinate operation of Central Suggestion Committee shall be rotated among the Committee members.

(e) **Meetings.** The Central Suggestion Committee shall meet quarterly to act on the recommendations for commendations and awards made by Department Heads in the preceding quarter.

(f) **Department Commendations.** No later than January 31st of each year the Central Suggestion Committee shall recommend public commendations for those departments which have implemented the most successful Employee Suggestion Programs. (Amended by Ord. 307-82, App. 6/24/82)

SEC. 16.114. ELIGIBILITY FOR AWARD OR COMMENDATION; NEW SUGGESTION; WAIVER OF CLAIM; AND LINE OF DUTY. (a) **New Suggestion.** To be eligible for a commendation or an award a suggestion must consist of a proposal for change which is not currently under active consideration by the City and County department affected. If duplicate suggestions are submitted, only the first suggestion received is eligible for a money award.

(b) **Waiver of Claim.** To be eligible for a commendation or an award a suggestion must be accompanied by the following waiver of claim executed by the employee:

"The use by the City and County of San Francisco of my suggestion shall not form the basis of a claim of any nature upon the City and County of San Francisco by me, my heirs or assigns."

(c) **Line of Duty.** To be eligible for a money award, a suggestion must propose a change which is outside the scope of the employee's normal job responsibilities. Employees are not eligible for money awards for suggestions pertaining to subjects assigned for research or development, or pertaining to problems assigned to the employee for solution, or which the employee would normally be expected to offer in line of duty. (Amended by Ord. 307-82, App. 6/24/82)

SEC. 16.115. COMMENDATIONS AND AWARD; AMOUNT OF AWARD; COMMENDATION; RECONSIDERATION; AND COMPENSATION. (a) **Award.** An award, and the amount thereof, becomes final when it is reviewed and approved by the Department Head and the Central Suggestion Committee, except that an award in excess of \$1,000 is subject to approval by resolution of the Board of Supervisors. All awards are made subject to the budgetary and fiscal limitations of the Charter.

(b) **Amount of Award.** The amount of an award shall be either 10 percent of the estimated net annual savings to the City and County resulting from implementation of the suggestion in the first year following adoption of the suggestion, or a payment of from \$50 to \$100.

(c) **Commendation.** A commendation becomes final when it is reviewed and approved by the Central Suggestion Committee. A commendation may be issued whether or not an award is made. A suggestion may be submitted to the Central Suggestion Committee for a commendation only. The purposes of the Employee Suggestion Program shall be taken into consideration in determining whether to issue a commendation.

(d) **Reconsideration.** An employee may request reconsideration of a suggestion by the Central Suggestion Committee within one year from the date of the suggestion was delivered to the Departmental Administrator.

(e) **Compensation.** Awards shall not be considered compensation for services rendered as provided in Section 8.400 of the Charter. (Amended by Ord. 307-82, App. 6/24/82)

SEC. 16.116. PROCEDURE FOR SUBMITTAL AND REVIEW OF SUGGESTIONS; "RECEIPTS"; SUBMISSION PROCEDURES; CONFIDENTIALITY; REFERRAL; ACTION BY DEPARTMENT SUGGESTION COMMITTEE; ACTION BY DEPARTMENT HEAD; AND CENTRAL SUGGESTION COMMITTEE ACTION. (a) "Receipt." For the purposes of this Article, the time of "receipt" for a suggestion is the date it is delivered to the Departmental Administrator.

(b) **Submission Procedure.** To be considered for a commendation or an award by the Department, a suggestion must be submitted in writing to the Departmental Administrator on a form provided for this purpose. The suggestion must be received by the Department no later than six months from the date of implementation. To be considered for a commendation only, a suggestion may be submitted directly to the Central Suggestion Committee on a form provided for this purpose. The suggestion must be received by the Central Suggestion Committee no later than six months from the date of implementation.

(c) **Confidentiality.** If requested in writing by the employee, the Departmental Administrator will keep the name of the employee making a suggestion confidential until the Central Suggestion Committee and the Department Head have finally determined whether or not to issue a commendation or make an award on the basis of the suggestion.

(d) **Referral.** The Departmental Administrator shall refer all suggestions to the Department Head and the Department Suggestion Committee within five working days of receipt.

(e) **Action by Department Suggestion Committee.** Within 60 days of receipt of a suggestion, the Department Suggestion Committee shall report to the Department Head an estimate of the savings possible from implementation of the suggestion and its recommendation regarding a commendation or award, including the amount thereof. The Committee shall give the Department Heads the basis for its recommendation.

(f) **Action by Department Head.** Within 90 days of receipt of a suggestion, the Department Head shall review the report of the Department Suggestion Committee on the suggestion and obtain such additional information as is required to fully and fairly evaluate the desirability of implementing the suggestion. The Department Head shall then transmit to the Central Suggestion Committee his or her decision regarding implementation of the suggestion and a recommendation regarding a commendation or an award for a suggestion, including the amount thereof. Suggestions rejected by a Department Head shall be accompanied by a statement of the reasons for rejecting the suggestion. The Central Suggestion Committee may grant the Department Head up to 30 additional days to review a suggestion.

(h) **Central Suggestion Committee Action.** The Central Suggestion Committee must take final action on a suggestion within 180 days of the receipt of the suggestion by the department involved or within 180 days of the receipt of the suggestion by the Central Suggestion Committee in the case of suggestions submitted to the Central Suggestion Committee for a commendation only. (Amended by Ord. 307-82, App. 6/24/82)

SEC. 16.117. EMPLOYEE SUGGESTION AWARD FUND. A department electing to initiate an Employee Suggestion Program shall include within its budget funds sufficient for operation of the program. (Amended by Ord. 307-82, App. 6/24/82)

ARTICLE VIII-A

ACCIDENT PREVENTION

SEC. 16.121-1. PURPOSE OF ARTICLE. The Board of Supervisors of the City and County of San Francisco hereby declares that this Article is adopted to achieve an integrated accident prevention program for employees of the City and County of San Francisco and for members of the general public using its facilities and properties. To the extent that funds made available permit, the program shall include, without being limited to, the following objectives:

(a) Training of supervisory personnel and employees generally in safety measures and safe driving practices through oral and visual education at meetings, by personal contact, and through the issuance of posters, bulletins and other printed material;

(b) Gathering and analysis of data relating to accident experience;

(c) Establishment of inspection procedures of the condition and use of City and County lands, buildings and other property, particularly mechanical equipment, tools, and machinery; and

(d) Providing safety guidance to department heads and other responsible officials. (Added by Ord. 23-61, App. 2/1/61)

SEC. 16.121-2. CENTRAL SAFETY COMMITTEE; MEMBERS; PROCEDURE. A Central Safety Committee is hereby established consisting of the Chief Administrative Officer, who shall be chair, the Chief of Police, the Chief of the Fire Department, the General Manager of the Park and Recreation Department, the Manager of Utilities, the General Manager, Personnel, the President of the Retirement Board, and the County Superintendent of Schools. It shall be the duty of each of these designated officers to serve on the Central Safety Committee, except that any member of the committee may deputize in writing filed with the committee any member of his office or department to serve in his place on the committee for such period or in such meeting as he may desire. The committee shall be in the office of the Chief Administrative Officer and shall meet in his office. Neither the members of the committee nor the members of their offices or departments deputized to serve in their places at any time shall receive any compensation as such members or acting members for their services on the committee. (Added by Ord. 23-61, App. 2/1/61)

SEC. 16.121-3. CENTRAL SAFETY COMMITTEE; POWERS AND DUTIES. The Accident Prevention Program shall be under the jurisdiction of the Central Safety Committee. It shall have power, and it shall be its duty to:

(a) Act in an advisory capacity in all matters pertaining to safety as required for the guidance of management, department heads, officers and employees of the City and County of San Francisco;

(b) Coordinate safety work required to be performed by any private safety engineering consultants with the integrated safety program;

(c) Assist the Retirement Board in the establishment and maintenance of a record system that will continuously collect and compile all pertinent statistical data relating to all accidents involving employees or facilities or property of the City and County of San Francisco;

(d) Submit a semi-annual report to the Board of Supervisors generally setting forth the work performed and the progress made toward achievement of the purpose and objectives of the accident prevention program. (Added by Ord. 23-61, App. 2/1/61)

SEC. 16.121-4. CHIEF ADMINISTRATIVE OFFICER; POWERS AND DUTIES. The Chief Administrative Officer shall act as coordinator of the Accident Prevention Program under the direction of the Central Safety Committee. (Added by Ord. 23-61, App. 2/1/61)

SEC. 16.121-5. POWERS OF CITY AND COUNTY OFFICERS NOT DIVESTED. No provision of this Article shall be deemed or construed to grant any authority to, or impose any duty upon, the Central Safety Committee or the Chief Administrative Officer which is vested or imposed by general law or the Charter of the City and County of San Francisco in or on any other officer, board, commission, department, or employee of the City and County. (Added by Ord. 23-61, App. 2/1/61)

ARTICLE IX

BONDING OF CITY OFFICERS AND EMPLOYEES

DIVISION 1

BLANKET BOND FOR ALL EMPLOYEES

SEC. 16.122. ALL EMPLOYEES TO BE BONDED BY BLANKET BOND. Pursuant to the provisions of the Charter, all employees of the City and County shall be bonded by a blanket bond as provided by this Division. (Ord. No. 8075 (1939), Sec. 1)

SEC. 16.123. TO BE PAYABLE TO CITY AND COUNTY. The bond required by the preceding section shall be payable to the City and County. (Ord. No. 8075 (1939), Sec. 2)

SEC. 16.124. BOND TO INURE TO BENEFIT OF CITY AND COUNTY; SUIT ON BOND. The bond furnished pursuant to this Division shall inure to the benefit of the officer liable for the acts and omissions of employees covered by the bond and also to the benefit of the City and County.

The City and County and each such officer may singly or jointly bring suit on the bond. A taxpayer may also bring suit on the bond, but only as provided in Section 7.700 of the Charter. (Ord. No. 8075 (1939), Sec. 3)

SEC. 16.125. SURETY TO BE AUTHORIZED TO DO BUSINESS IN STATE. The surety of the bond required by this Division shall be a duly organized surety company authorized to do surety business in the State in the manner provided by law. (Ord. No. 8075 (1939), Sec. 4)

SEC. 16.126. TERM OF BOND. The term of the bond given pursuant to this Division shall be for a three year period. (Amended by Ord. 29-70, App. 2/18/70)

SEC. 16.127. CONDITIONS OF BOND. The condition of the bond required by this Division shall be that each of the employees referred to in Section 16.122 of this Code shall well, truly, honestly and faithfully perform each and all duties required of him by law at the time the bond is executed, and also all such additional duties as may be imposed upon or required of him by any existing law or laws enacted subsequently to the execution of the bond; and that if within the term of the bond his employment shall be terminated for any reason whatsoever he shall surrender to his immediate superior or to the head of the office, bureau or division in which he has been employed, all books, papers, records, writings, documents, moneys, effects and property appertaining or belonging to his position or employment or in his custody as such employee. (Amended by Ord. 29-70, App. 2/18/70)

SEC. 16.128. OBLIGATION OF SURETY; LIMIT OF LIABILITY. The bond required by this Division shall be in force and obligatory upon the surety therein for any and all breaches of the conditions thereof. In no event shall the liability of the surety exceed the sum of \$50,000 on any one employee or the sum of \$50,000 as to any one loss. (Ord. No. 8075 (1939), Sec. 7)

SEC. 16.129. PREMIUM TO BE PAID BY CITY AND COUNTY. The premium or charge for the bond furnished under the provisions of this Division shall be paid by the City and County. The money required to pay the premium on the bond shall be provided in accordance with the budget and fiscal provisions of the Charter of the City and County. (Ord. No. 8075 (1939), Sec. 8)

SEC. 16.130. APPROVAL OF BOND BY CITY ATTORNEY AND CONTROLLER. The bond required by this Division shall be approved as to form by the City Attorney and as to the sufficiency and solvency of the surety or sureties thereon by the Controller. (Ord. No. 8075 (1939), Sec. 9)

SEC. 16.131. FILING AND CUSTODY OF BOND. The bond required by this Division shall be filed with the Controller, who shall be its custodian. (Ord. No. 8075 (1939), Sec. 10)

SEC. 16.132. BOND TO BE AVAILABLE FOR PUBLIC INSPECTION; RECORDING. The bond required by this Division, and all riders and endorsements thereto, shall be available at all times for public inspection and there need be no recording of the blanket bond, or its amendments. (Ord. No. 8075 (1939), Sec. 11)

SEC. 16.133. TERMINATION OR CANCELLATION OF BOND. The bond given pursuant to this Division (shall) be deemed terminated as to any employee: (1) upon the date of discovery by the Controller of the City and County of any fraudulent or dishonest act upon the part of such employee; or (2) upon the death, resignation, or removal of such officer. The bond (may) be cancelled in its entirety or as to any employee covered thereby: (1) by written notice given to the surety by the Controller of the City and County; or (2) by not less than 30 days written notice given by the surety to the Controller of the City and County. Such cancellation notices shall be sent by registered mail. (Amended by Ord. 29-70, App. 2/18/70)

SEC. 16.134. APPLICABILITY OF STATE LAW. As to all subject matters relating to official bonds, other than those specifically covered in this Division and the Charter, the provisions of the law of the state shall be complied with and be applicable to the bond given pursuant to the provisions of this Division. (Ord. No. 8075 (1939), Sec 13)

DIVISION 2

BOND OF OFFICERS REQUIRED BY CHARTER OR GENERAL STATUTES OF THE STATE TO BE BONDED

SEC. 16.136. OFFICERS REQUIRED TO BE BONDED. Pursuant to the provisions of the Charter and the general statutes of the State, the incumbents of the office of the City and County as are enumerated in Section 16.136-1 of this Code shall each give and execute an official bond to the City and County and the state as provided by this Division. Each such bond shall be in the amount specified in such section. (Ord. No. 3710 (1939), Sec. 1)

SEC. 16.136-1. ENUMERATION OF OFFICERS AND AMOUNT OF BONDS. The officers of the City and County hereinafter mentioned shall each give bond, pursuant to the provisions of Section 16.136 of this Code, in the following amounts:

Treasurer	\$200,000
Controller	100,000
Tax collector	100,000
Tax collector as license collector	10,000
Assessor	50,000
County clerk	50,000
Sheriff, civil	50,000
Sheriff, criminal	50,000
Public administrator	50,000
Public administrator as public guardian	10,000
Mayor	25,000
City Attorney	10,000
District Attorney	10,000
Public Defender	10,000
Members of the Board of Supervisors, each	5,000
Members of the Health Service Board, each	10,000

(Amended by Ord. 93-62, App. 4/5/62)

SEC. 16.137. APPLICABILITY OF STATE STATUTES. The general statutes of the State relating to official bonds shall be complied with and be applicable to the bonds of officers given pursuant to the provisions of this Division. In aid and furtherance of such statutes, additional provisions are provided in this Division for the purpose of supplementing such statutes. (Ord. No. 3710 (1939), Sec. 2)

SEC. 16.138. TERM AND RENEWAL OF BOND. The term of any individual official bond shall not exceed one year. A new bond shall be given for each such term or evidence shall be submitted that the then existing bond has been renewed. (Amended by Ord. 467-76, App. 12/3/76)

SEC. 16.139. PREMIUMS TO BE PAID BY CITY AND COUNTY; LIMITATION ON AMOUNT OF PREMIUMS. The premiums or charges for all bonds furnished under the provisions of this Division shall be paid by the City and County; provided, however, that such premiums or charges shall not exceed the rate of $\frac{1}{2}$ of one percent per annum of the amounts for which the officers specified in this Division are bonded.

The moneys required to pay the premium of the bonds shall be provided in accordance with the budget and fiscal provisions of the Charter. (Ord. No. 3710 (1939), Sec. 4)

SEC. 16.140. APPROVAL OF BONDS. In addition to the approvals required by state statutes, all bonds shall be approved as to form by the City Attorney and shall be approved as to sufficiency and solvency of surety by the Controller. (Ord. No. 3710 (1939), Sec 5)

SEC. 16.141. RECORDATION OF BONDS. Before filing of bonds, as provided by this Division, all bonds shall be recorded in the office of the County Recorder, who shall charge no recording fee. (Ord. No. 3710 (1939), Sec 6)

SEC. 16.142. FILING AND CUSTODY OF BONDS; NEW BOND OR RENEWAL TO BE FILED PRIOR TO EXPIRATION. The bond of the Controller shall be filed with the Mayor, who shall be the custodian thereof. All other bonds shall be filed with the Controller, who shall be the custodian thereof. Prior to the expiration date of the then existing bond of any officer, a new bond, or evidence that the then existing bond has been renewed, as required by Section 16.138 of this Code shall be filed as provided by this Division. (Amended by Ord. 467-76, App. 12/3/76)

SEC. 16.143. RULES AND REGULATIONS. The Purchaser of Supplies shall establish rules and regulations as to procedure and shall prescribe forms to be used by officers, boards and commissions of the City and County in requisitioning bonds. Such rules, regulations and forms shall be subject to the approval of the Chief Administrative Officer. (Ord. No. 3710 (1939), Sec. 8)

DIVISION 3

BONDS OF OFFICERS NOT SPECIFICALLY REQUIRED BY CHARTER TO BE BONDED

SEC. 16.144. OFFICERS TO BE BONDED BY BLANKET BOND. All officers of the City and County, other than those enumerated in Section 16.136-1, shall be bonded by a blanket bond as provided by this Division. (Amended by Ord. 93-62, App. 4/5/62)

SEC. 16.145. TO BE PAYABLE TO CITY AND COUNTY. The bond required by the preceding section shall be payable to the City and County. (Amended by Ord. 93-61, App. 4/26/61)

SEC. 16.146. SURETY TO BE AUTHORIZED TO DO BUSINESS IN STATE. The surety of the bond required by this Division shall be a duly organized surety company authorized to do surety business in the state in the manner provided by law. (Amended by Ord. 93-61, App. 4/26/61)

SEC. 16.147. TERM OF BOND. The term of the bond given pursuant to this Division shall be for a three-year period. (Amended by Ord. 30-70, App. 2/18/70)

SEC. 16.148. CONDITIONS OF BOND. The condition of the bond required by this Division shall be that each of the officers referred to in Section 16.144 of this Code shall well, truly, honestly and faithfully perform each and all official duties required of him or her by law at the time the bond is executed, and also such additional duties as may be imposed upon or required of him or her by any existing law or laws enacted subsequently to the execution of the bond; and upon his or her resignation or removal from office, or upon the expiration of his or her term of office, or upon his or her otherwise vacating the office during the term of the bond, he or she shall surrender to his or her successor, immediate superior,

board or commission, or other person entitled thereto, all books, papers, records, writings, documents, moneys, effects and property appertaining or belonging to his or her office or in his or her custody as such officer.

The blanket bond executed pursuant to this Division shall be in force and obligatory upon the surety therein and upon each of the officers referred to in Section 16.144 of this Code for any and all breaches of the conditions thereof committed during the time such officer continues to discharge any of the duties of or hold the office and whether such breaches are committed or suffered by such officer, his or her deputy, or clerk, except that no officer whose sole compensation by virtue of his or her office is a fixed salary established by the Legislature or the Board of Supervisors shall be personally liable for the negligent act or omission of any deputy or employee serving under him or her and performing the duties of his or her office where the appointment or qualification of such deputy or employee is required to be and has been approved by the Board of Supervisors or by the Civil Service Commission, unless the officer failed to exercise due care in the selection, appointment or supervision of such deputy or employee, or negligently failed to suspend or secure the discharge of such deputy or employee after knowledge or notice of his or her inefficiency or incompetency.

Nothing in this Section shall be interpreted as placing any liability upon the principal officer for the act of a deputy or employee unless such liability is otherwise imposed upon the principal officer by law, nor shall this Section be construed or interpreted as releasing or relieving the City and County of any liability for the negligent act or omission of any such deputy or employee otherwise imposed by law. (Amended by Ord. 93-61, App. 4/26/61)

SEC. 16.149. OBLIGATION OF SURETY; LIMIT OF LIABILITY. The bond required by this Division shall be in force and obligatory upon the surety therein for any and all breaches of the conditions thereof. In no event shall the liability of the surety exceed the sum of \$50,000 as to any one loss. (Amended by Ord. 93-61, App. 4/26/61)

SEC. 16.150. PREMIUM TO BE PAID BY CITY AND COUNTY. The premium or charge for the bond furnished under the provisions of this Division shall be paid by the City and County. The money required to pay the premium on the bond shall be provided in accordance with the budget and fiscal provisions of the Charter. (Amended by Ord. 93-61, App. 4/26/61)

SEC. 16.151. APPROVAL OF BOND BY CITY ATTORNEY AND CONTROLLER. The bond required by this Division shall be approved as to form by the City Attorney and as to the sufficiency and solvency of the surety by the Controller. (Amended by Ord. 93-61, App. 4/26/61)

SEC. 16.152. RECORDATION OF BOND. Before filing the bond as provided by this Division, the bond shall be recorded in the office of the County Recorder, who shall charge no recording fee. (Amended by Ord. 93-61; App. 4/26/61)

SEC. 16.153. FILING AND CUSTODY OF BOND. The bond required by this Division shall be filed with the Controller, who shall be its custodian. (Amended by Ord. 93-61, App. 4/26/61)

SEC. 16.154. APPLICABILITY OF STATE STATUTES. As to all subject matters relating to official bonds, other than those specifically covered in this Division and the Charter, the provisions of the law of the State shall be complied with and be applicable to the blanket bond of officers given pursuant to the provisions of this Division. (Amended by Ord. 93-61, App. 4/26/61)

SEC. 16.155. TERMINATION AND CANCELLATION OF BOND. The bond given pursuant to this division (shall) be deemed terminated as to any officer: (a) upon the date of discovery by the Controller of the City and County of any fraudulent or dishonest act upon the part of such officer; or (b) upon the death, resignation, or removal of such officer. The bond (may) be cancelled in its entirety or as to any officer covered thereby: (a) by written notice given to the surety by the Controller of the City and County; or (b) by not less than 30 days written notice given by the surety to the Controller of the City and County. Such cancellation notices shall be sent by registered mail. (Amended by Ord. 30-72, App. 2/18/70)

SEC. 16.156. INDIVIDUAL BOND OF OFFICER. Any officer as to whom the blanket bond has been terminated or cancelled under the provisions of Section 16.155 shall give an individual bond in the amount of the blanket bond under the provisions of Division 2 of this Article. (Amended by Ord. 93-62, App. 4/5/62)

SEC. 16.157. HEALTH SERVICE SYSTEM; CHANGES. Changes in contribution rates adopted by the Health Service Board, as respects the plans of the Health Service System, to become effective on July 1, 1986, for the fiscal year July 1, 1986 through June 30, 1987, which changes are on file with the Clerk of the Board of Supervisors, are hereby approved. (Amended by Ord. 141-86, App. 4/25/86)

ARTICLE X

CITIZENS AWARD COMMITTEE

SEC. 16.160. COMMITTEE MEMBERSHIP. A City and County Citizens' Award Committee consisting of the President of the Board of Supervisors, the President of the Fire Commission and the President of the Police Commission is hereby established. Members of this committee shall serve during their incumbency as presidents of their respective board or commission or until their successor is named and qualified. (Added by Ord. 90-67, App. 4/5/67)

SEC. 16.161. SELECTION PANEL. A City and County Citizens' Award Selection Panel consisting of the Chief of the Fire Department and Chief of the Police Department is hereby established. (Added by Ord. 90-67, App. 4/5/67)

SEC. 16.162. DESIGN OF AWARD AND CASH EMOLUMENT. The Committee shall design or cause to be designed the form of the citizens' award, which shall feature the seal of the City and County of San Francisco. When approved by the Board of Supervisors this design shall become the form of the official citizens' award. The Committee may recommend that a cash emolument be included with an award and if such recommendation is approved by the Board of Supervisors the award shall also include a cash emolument. (Added by Ord. 90-67, App. 4/5/67)

SEC. 16.163. RECOMMENDATIONS FOR AWARD. The Selection Panel shall screen all persons recommended for an award by any peace officer, as defined in Section 817 of the Penal Code or in Section 15832 of the Education Code; or member of the San Francisco Fire Department, as having displayed outstanding bravery or contributed valorous service while helping a peace officer or member of the San Francisco Fire Department in an emergency situation occurring in the City and County of San Francisco. The Selection Panel shall forward its recommendation for an award to the committee who shall determine, based upon criteria to be established by the committee, whether such person shall receive an award. (Added by Ord. 90-67, App. 4/5/67)

SEC. 16.164. AWARDS MADE BY MAYOR. All awards shall be made by the Mayor at an appropriate ceremony at a time wherein it will be possible for students of senior and junior high schools to attend. (Added by Ord. 90-67, App. 4/5/67)

SEC. 16.165. AWARDS FUND. Subject to the budget and fiscal provisions of the Charter an Award Fund of \$500 is hereby established, which fund shall be replenished from time to time by appropriate action of the Board of Supervisors. (Added by Ord. 90-67, App. 4/5/67)

SEC. 16.166. RULES AND REGULATIONS. The Citizens Award Committee is hereby authorized to enact such rules and regulations not inconsistent with the Charter in order to carry out the duties imposed upon it by this Article. (Added by Ord. 90-67, App. 4/5/67)

ARTICLE XI

DISABILITY BENEFITS

SEC. 16.170. ENTITLEMENT DEFINED. Whenever any officer or employee of the City and County of San Francisco, other than an officer or employee to whom the disability benefit provisions of Section 8.515 of the Charter are applicable, is incapacitated for the performance of his or her duty by reason of bodily injury or illness received in the performance of his or her duty and caused by an act of criminal violence he or she shall become entitled, regardless of his or her period of service with the City and County, to disability benefits equal to and in lieu of his or her salary, while so disabled, for a period or periods not exceeding 12

months in the aggregate with respect to any one such injury or illness. The entitlement of such officer or employee to the disability benefits provided in this Section shall be determined by the Civil Service Commission.

Said disability benefits shall be reduced in the manner provided in Section 16.84 of this Code by the amount of any benefits, other than medical benefits, payable to such officer or employee under the Labor Code of the State of California concurrently with said disability benefits and because of the injury or illness resulting in said disability. Such disability benefits as are paid under this Section shall be considered as in lieu of any benefits, other than medical benefits, payable to such officer or employee under said Labor Code and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

Such disability benefits as are paid under this Section shall be considered as in lieu of any benefits payable to such employee by the City and County under any sick leave rule or other wage-continuation program provided by the City and County and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits. (Added by Ord. 31-72, App. 2/16/72)

SEC. 16.171. DISABILITY BENEFITS FOR AMBULANCE DRIVERS AND MEDICAL STEWARDS. Whenever a person employed by the City and County of San Francisco in the position of ambulance driver, medical steward or senior medical steward is incapacitated for the performance of his duty by reason of bodily injury received in the performance of his duty, he shall become entitled, regardless of his period of service with the City and County, to disability benefits equal to and in lieu of his salary while so disabled, for a period or periods not exceeding 12 months in the aggregate with respect to any one such injury; provided, however, that such person shall not be entitled to such disability benefits for the first 10 working days with respect to any such injury. The entitlement of such employee to the disability benefits provided in this Section shall be determined by the Retirement Board.

Said disability benefits shall be reduced in the manner provided in Section 16.84 of this Code by the amount of any benefits, other than medical benefits, payable to such employee under the Labor Code of the State of California concurrently with said disability benefits and because of the injury resulting in said disability. Such disability benefits as are paid under this Section shall be considered as in lieu of any benefits, other than medical benefits, payable to such employee under said Labor Code and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

Such disability benefits as are paid under this Section shall be considered as in lieu of any benefits payable to such employee by the City and County under any sick leave rule or other wage-continuation program provided by the City and County and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits. (Added by Ord. 494-73, App. 12/20/73)

SEC. 16.175. DISABILITY BENEFITS FOR DISTRICT ATTORNEY INVESTIGATORS. Whenever any district attorney investigator is incapacitated for the performance of his or her duty by reason of bodily injury received in the performance of his or her duty, he or she shall become entitled, regardless of his or her period of service with the City and County, to disability benefits equal and in

lieu of his or her salary while so disabled, for a period or periods not exceeding 12 months in the aggregate with respect to any one such injury; provided however, that such person shall not be entitled to such disability benefits for the first seven working days with respect to any such injury. The entitlement of such employee to the disability benefits provided in this Section shall be determined by the Retirement Board.

The term "district attorney investigator" as used herein shall be limited to those employees of the district attorney's office who are duly appointed to civil service classification numbers 8144, 8146, 8147, 8148, 8149 and 8150.

Said disability benefits shall be reduced in the manner provided in Section 16.84 of this Code by the amount of any benefits, other than medical treatment, payable to such employee under the Labor Code of the State of California concurrently with said disability benefits and because of the injury resulting in said disability. Such disability benefits as are paid under this Section shall be considered as in lieu of any benefits, other than medical treatment, payable at any time to such employee under said Labor Code and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits.

Such disability benefits as are paid under this Section shall be considered as in lieu of any benefits payable to such employee by the City and County under any sick leave rule or other wage-continuation program provided by the City and County and shall be in satisfaction and discharge of the obligation of the City and County to pay such benefits. (Added by Ord. 334-82, App. 7/2/82)

ARTICLE XI-A

EMPLOYEE RELATIONS ORDINANCE

SEC. 16.200. TITLE OF ORDINANCE. This ordinance shall be known as the Employee Relations Ordinance of the City and County of San Francisco. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.201. STATEMENT OF PURPOSE. The purpose of this ordinance is to promote full communication between the City and County of San Francisco and its employees by providing a reasonable method of resolving disputes between the City and County and its employees and their employee organizations. It is also the purpose of this ordinance to promote the improvement of personnel management and employer-employee relations within City and County government by providing a uniform basis for recognizing the right of City and County employees to join employee organizations of their own choice, and to be represented by such organizations in their employment relationship with the City and County.

Nothing contained herein shall be deemed to supersede the provisions of the City and County Charter or ordinances and civil service rules establishing and regulating the civil service system; provided, however, that amendments to existing ordinances and civil service rules may be proposed through utilization of the meeting and conferring process.

Nothing contained herein shall be deemed to affect employees who collectively bargain under federal statutes such as the Railway Labor Act or employees whose salary is established pursuant to Section 8.405 of the Charter of the City and County of San Francisco. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202. DEFINITIONS. Unless the context requires otherwise, the words and phrases set forth in Sections 16.202.1 through 16.202.17, inclusive, shall have the meanings respectively ascribed to them in said sections. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.1. "Confidential employee" means an employee who is privy to recommendations or decisions of City and County management affecting employee relations. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.2. "Consult" means to communicate verbally or in writing between management and registered employee organizations or individual employees, for the purpose of presenting and obtaining views or advising of intended actions. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.3. "Days" means calendar days. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.4. "Determining official or body" means the official or body which has final authority to make a decision on the issue under discussion. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.5. "Employee organization" means any organization or joint council of organizations which includes employees of the City and County, and which has as one of its purposes representing such employees in their relations with the City and County. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.6. "Employee representation" unit means a unit established pursuant to Section 16.210 of this ordinance. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.7. "Impasse" means failure after a reasonable effort and reasonable period of time to reach agreement in the discussions between the designated representatives of the City and County and representatives of recognized employee organizations over matters on which they meet and confer. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.8. "Management employee" means any employee, as designated by the Employee Relations Director, who is in a high administrative and policy-influencing position with responsibility for managing a major function or rendering management advice to top-level administrative authority. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.9. “Mediation” means effort by an impartial third party to assist in reconciling a dispute between an appointing power and a recognized employee organization over a matter subject to meeting and conferring through interpretation, suggestion and advice. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.10. “Meet and confer in good faith” means that representatives designated by the City and County and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer in order to exchange freely information, opinions and proposals, and to endeavor to reach agreement on matters within the scope of representation. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.11. “Memorandum of Understanding” means a written statement incorporating all matters within the scope of representation agreed on through meeting and conferring between designated representatives of the City and County and representatives of one or more recognized employee organizations. The agreement stated in the memorandum becomes effective only if ratified by the determining body or official of the City and County. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.12. “Commission” means the Personnel Department of the Civil Service Commission of the City and County of San Francisco as established pursuant to Section 3.660 of the San Francisco Charter. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.13. “Professional employees,” for the purpose of this ordinance, means employees engaged in work requiring specialized knowledge and skills attained through completion of a recognized course of instruction, including, but not limited to, attorneys, physicians, registered nurses, engineers, architects, teachers, and various types of physical, chemical, and biological scientists. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.14. “Recognized employee organization” means an employee organization which, by election, has been chosen by the majority of employees voting in a particular representation unit to represent them, and certified by the Civil Service Commission in the manner provided in Section 16.211 of this ordinance. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.15. “Registered employee organization” means an employee organization which has been registered with the Employee Relations Director, as provided in Section 16.209 of this ordinance. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.16. “Scope of representation” means matters relating to employment conditions and employee relations, including wages, hours and other terms and conditions of employment. The scope of representation shall not include consideration of the merits, necessity or organization of any service or activity provided by law or executive order. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.202.17. "Supervisory employee" means any employee, as designated by the Employee Relations Director, who has authority to hire, assign, evaluate or discipline other employees, or to adjust their grievances, or effectively to recommend any such action. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.203. EMPLOYEE RELATIONS DIVISION. (a) There is hereby created an Employee Relations Division which shall be placed under the control and jurisdiction of the Board of Supervisors. Said division shall be headed by an Employee Relations Director who shall serve as the representative of the City and County of San Francisco in the implementation of those provisions of Chapter 10 of Government Code applicable to the City and County of San Francisco and which are not specifically delegated by Charter provision and/or ordinance to a particular officer, board or commission of the City and County.

(b) The Employee Relations Director shall coordinate the meeting and conferring process. City and County departments and staff agencies may be called upon by the Employee Relations Division to participate and to give expert assistance. Any department about to enter into discussion with an employee organization on matters of intra-departmental concern shall notify the Employee Relations Director so that he can participate, and so that the Employee Relations Division can serve as a clearing house for all such discussion. All departments shall cooperate with and furnish data to the Employee Relations Director.

(c) Nothing contained herein shall be deemed to prevent the Board of Supervisors from contracting for the performance of functions carried out by, and/or required of the Employee Relations Division, pursuant to Charter Sections 8.300 and 8.300-1. (Amended by Ord. 383-80, App. 8/22/80)

SEC. 16.204. POWERS AND DUTIES OF THE CIVIL SERVICE COMMISSION. (a) In addition to such other powers and duties as it has under the Charter and this ordinance and as may be conferred upon it from time to time by law, the Civil Service Commission shall have the power and duty:

(1) To certify as the recognized employee organization of a representation unit that employee organization which has a majority of the employees in such representation unit as determined by a secret ballot election;

(2) To conduct elections to ascertain which employee organization represents a majority of the employees in a particular representation unit, or to arrange for the election to be conducted by a mutually agreed upon third party;

(3) To decertify as the recognized representative an employee organization which has been found by election no longer to be the majority representative in a particular representation unit;

(4) To adopt rules and regulations for the conduct of its business and the carrying out of its powers and duties;

(5) To investigate charges of unfair employee relations practices or violations as defined in this ordinance and, if it deems appropriate, arrange for a hearing on said practices or charges by an administrative law judge, and

(6) To administratively process all matters which require or permit a hearing before an administrative law judge and to the extent necessary make all arrangements for said hearings. The Commission, after review of the facts in any particular

dispute, may attempt to obtain the agreement of the parties involved on the disputed issue(s) before the matter is submitted to an administrative law judge. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.205. UTILIZATION OF ADMINISTRATIVE LAW JUDGES.

The City and County is hereby authorized to enter into an agreement or contract with the Office of Administrative Hearings, California State Personnel Board, for the purpose of obtaining the services of an administrative law judge. Such agreement or contract shall provide that said administrative law judge shall be responsible for the duties as hereinafter set forth in this Article.

The costs involved in obtaining the services of an administrative law judge as necessitated by this Article shall be borne by the City and County of San Francisco, provided, however, that all expenses incurred by the City and County in utilizing the administrative law judge in processing unfair employee relations complaints shall be divided equally among the parties involved.

The authority of the administrative law judge shall be to the extent as set forth in this Article and in no event shall any decision of the administrative law judge conflict with, alter or attempt to alter the provisions of the Charter or rules and regulations of the Civil Service Commission.

Any costs incurred in transcribing and reporting the proceedings shall be borne by the party requesting such transcribing or reporting, unless a contrary agreement is reached by mutual consent. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.206. MANAGEMENT RIGHTS. The City and County of San Francisco retains all rights as set forth in the provisions in the Charter of the City and County of San Francisco, existing ordinances and civil service rules establishing and regulating the Civil Service System; provided, however, that amendments to said existing ordinances and civil service rules may be proposed through the meeting and conferring process. The exercise of City and County rights does not preclude employees or registered employee organizations from consulting or raising grievances on decisions which affect wages, hours and other terms and conditions of employment. The City and County reserves the right to take whatever action may be necessary in an emergency situation; however, a recognized employee organization affected by the action shall be promptly notified. Any questions regarding the interpretation of this Section or Section 16.207 which cannot be resolved between employee and management representatives shall, upon request by either party involved, be referred by the Director of Employee Relations to an administrative law judge for hearing and final determination. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.207. EMPLOYEE RIGHTS. Employees of the City and County shall have the right to form, join and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employee relations. Employees of the City and County shall also have the right to refuse to join or participate in the activities of employee organizations. Employees shall also have the right to represent themselves individually in their employment relations with the City and County. No employee shall be interfered with, intimidated, restrained, coerced or discriminated against because of his or her exercise of those rights. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.208. DESIGNATION OF MANAGEMENT, SUPERVISORY AND CONFIDENTIAL EMPLOYEES. (a) The Employee Relations Director, in consultation with department heads, shall specify the employees who are to be designated as management, supervisory or confidential for the purpose of this ordinance. Each such person shall be notified by his or her department head of his or her management, supervisory or confidential status. A list of the employees so designated shall be maintained in the office of the Civil Service Commission.

(b) If an employee designated as management, supervisory or confidential, or an employee organization, or a department head, disagrees with such designation, the question shall be referred to an administrative law judge for hearing and final determination.

(c) Management, supervisory and confidential employees may not represent an employee organization which represents other than management, supervisory or confidential employees on matters within the scope of representation. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.209. PROCEDURE FOR REGISTRATION OF EMPLOYEE ORGANIZATIONS. (a) An organization or joint council of organizations which wishes to be registered as an employee organization shall submit to the Director of Employee Relations a request signed by a duly authorized officer of the organization containing the following information:

(1) Name and address of the employee organization.

(2) Names and titles of its officers, as well as designation of the officials authorized to act as representatives of the organization in employer-employee relations with the City and County.

(3) A statement of whether or not the organization is a chapter or local of, or affiliated with, a regional or state, or national or international organization, and, if so, the name and address of each such regional, state, national or international organization.

(4) A copy of its constitution or by-laws, and a statement signed by an officer of the employee organization to the effect that the organization has as one of its purposes representing employees of the City and County in employment relations.

(5) Verification of employee membership in the employee organization which may be shown by employee organization payroll dues deductions or authorization cards.

(6) A designation of those persons residing in California, not exceeding three in number, to whom notice sent by United States mail would be deemed sufficient by the organization for any purpose.

(7) A statement that the organization recognizes and is aware of Government Code Section 3509. (Section 923 of Labor Code is not applicable to public employees.)

(8) A statement that the organization agrees to abide by all of the provisions of this ordinance, except that this shall not preclude the right of the organization to challenge by court action any provision it deems to be invalid.

(b) Upon receipt of the petition, the Director of Employee Relations shall verify that the petition complies with the requirements of this Section and, within 14 days, notify the employee organization that it is registered.

(c) The City and County is under no obligation to consult with employee organizations which do not satisfactorily comply with the requirements of Paragraph (a) of this Section. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.210. ESTABLISHMENT OF REPRESENTATION UNITS. (a) All employees throughout the City and County of San Francisco within any of the following categories shall constitute an appropriate representation unit:

Unit 1. In determining any appropriate representation unit, separate representation shall be granted to any building trade or other craft or group which has historically established separate bargaining units in private industry or the journeymen of which normally attain status through the completion of a substantial period of apprenticeship. In establishing any such craft or group unit, there shall be included all apprentices, journeymen, foremen and general foremen that are customarily included in such craft or group units in negotiated contracts in private industry and shall also include within the separate craft or group unit those positions that have historically been represented by the craft or group organization in the handling of grievances and determination of wages and working conditions with the City and County of San Francisco.

Employees whose rates of pay are established by the City and County by reference to a craft or group rate in private industry on a percentage of the craft rate or other basis shall also be included within such craft group or unit. Classifications or positions which combine the work of more than one craft shall be placed in the craft unit representing the highest skill required to be performed by the position. In the event this is not possible to ascertain, any individual or individuals occupying any such position or classification shall have the right to a self-determination election to determine appropriate placement of the position or classification. Employee organizations representing City and County employees whose compensation is fixed pursuant to Section 8.403 of the Charter, or whose members are in the Code 7300 Journeyman Trade Group (including apprentices, foremen and general foremen) shall be designated the recognized employee organization for such representation unit by the Commission upon complying with the provisions of Section 16.209; provided, however, that after the initial recognition granted herein such recognition shall be subject to the terms and conditions of Section 16.212 of this ordinance.

Unit 2. Nonsupervisory employees in blue collar positions not included in Unit 1 above.

Unit 3. Supervisory employees in blue collar positions related to Units 1 and 2, not included in Unit 1.

Unit 4. Nonsupervisory employees in white collar positions.

Unit 5. Supervisory employees in white collar positions.

Unit 6. Nonprofessional hospital and institutional employees.

Unit 7. Municipal Railway employees excepting clerical classifications, transit car cleaners, engineers, technical engineering employees and related supervisory employees to excepted classes.

Unit 8. Professional employees; provided, however, that each profession, including medical interns and residents shall have the right to separate representation for that particular professional category.

Unit 9. Security and detention personnel, excluding sworn permanent and promotive personnel of the Sheriff's Department.

Unit 10. Technical engineering employees to include employees working in technical supportive capacities to engineers and architectural staff.

Unit 11. Supervisory employees in positions related to Units 6, 7, 8, 9, 10.

Unit 12. All sworn permanent and promotive personnel, including supervisory personnel, in the Sheriff's Department except the Sheriff and the Under-sheriff.

Unit 13. "Paraprofessional" employees in the San Francisco Unified School District and the San Francisco Community College District as classified by the Civil Service Commission.

Unit 14. Nonsupervisory peace officers except sworn permanent and promotive personnel of the Sheriff's Department and Police Department; provided, however, that the Employee Relations Division shall group peace officers in subunits based upon their duties and responsibilities and each subunit shall have the right to separate representation.

Unit 15. Supervisory peace officers in positions related to Unit 14, except the Chief, Bureau of Airport Security, provided, however, that the Employee Relations Division shall group peace officers in subunits based upon their duties and responsibilities and each subunit shall have the right to separate representation.

(b) In the event an employee or employee organization disagrees with his or her or its inclusion in a particular unit above, the aggrieved party may submit a protest to an administrative law judge for a hearing and final determination. In arriving at said determination, said judge shall consider, in addition to any other factors, the similarity of skills, wages, hours and other working conditions among the employees involved, the history of collective bargaining with regard to the employees involved and the desires of said employees. (Amended by Ord. 295-83, App. 5/27/83)

SEC. 16.211. PROCEDURE FOR RECOGNITION OF EMPLOYEE ORGANIZATION. (a) Any registered employee organization determined by Section 16.209 of this ordinance may request recognition by filing with the Commission a written statement indicating verification of employee approval in the form of dues deduction or authorization cards, of 30 percent of the employees in the particular representation unit.

(b) The Commission shall give written notice to the other registered employee organizations having members in the representation unit for which recognition is sought. Within 30 calendar days from the date of such notice the employee organizations with membership in the particular representation unit may file a challenging petition seeking to become the recognized organization in said unit. The challenging statement shall contain verification in the form of dues deduction or authorization cards of employee approval of 30 percent of the employees in the representation unit. Upon submission of such verification the challenging employee organization shall be placed on the ballot.

(c) Irrespective of whether or not a challenging petition has been filed, the Commission shall, within 30 days, or as soon thereafter as is practicable, after the

period allowed for filing challenging petitions expires, cause to be conducted a secret ballot election within the representation unit to determine which organization, if any, shall be recognized.

(d) The ballot in any such election shall contain the choice of "no organization." Where there are three or more choices and no one receives a majority of the valid ballots cast, a run-off election shall be conducted between the two choices receiving the largest number of ballots cast.

(e) Employees entitled to vote in a representation election shall be those employees within the representation unit with permanent or permanent limited tenure status whose names appear on the last payroll bearing a date which is no less than 30 calendar days prior to the date on which the election is to be held or such other date within the discretion of the Commission as may be practicable under the circumstances.

(f) There shall be no more than one valid representation election in a 12 month period within the same representation unit. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.212. DECERTIFICATION. A decertification petition may be filed with the Commission by employees or by an employee organization to determine whether or not a recognized employee organization continues to represent a majority of the employees in the representation unit. Such petition must be accompanied by proof of employee approval in the form of dues deductions or authorization cards equal to at least 30 percent of the employees within the representation unit, and must be filed within the period between the 90th and 60th day immediately preceding the expiration date of the recognized employee organization's existing memorandum agreement; provided, however, that the existing memorandum agreement does not exceed a two year period. In the event the existing memorandum agreement does exceed a two year period, the decertification petition must be filed within the period between the 90th and 60th day immediately preceding the expiration of the second year of the memorandum agreement. When such a petition has been filed, the Commission shall cause to be conducted a secret ballot election to determine whether the incumbent recognized employee organization shall be decertified and whether another organization shall be recognized. If the challenging employee organization receives a majority of the valid votes cast, the presently recognized employee organization will be decertified and the employee organization receiving a majority of the valid votes cast will become the recognized employee organization. There shall be no more than one valid decertification election in a 12 month period within the same representation unit. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.213. UNFAIR LABOR PRACTICES. (a) It shall be an unfair labor practice for the City and County to:

(1) Interfere with, restrain or coerce employees in the exercise of the rights recognized or granted in this ordinance;

(2) Dominate or interfere with the formation of any employee organization or contribute financial support to it; provided that the City and County may permit

the use of its facilities, make dues deductions, and permit employees who are officers or representatives of employee organizations to confer with City and County representatives during work hours without loss of time or pay, subject to applicable regulations;

(3) Refuse to meet and confer in good faith at reasonable times, places and frequencies with representatives of recognized employee organizations or to refuse to consult upon request with registered employee organizations on matters which are properly within the scope of representation; and

(4) Refuse or fail to cooperate in the impasse procedure involved under the provisions of this ordinance.

(b) It shall be an unfair labor practice for any officer of the City and County or any aide or administrative assistant of any officer of the City and County to meet and confer, or to attempt to meet and confer with an employee, an employee organization, or an employee representative, or any agent thereof, other than at a scheduled public meeting of the Board of Supervisors or a committee meeting of the Board of Supervisors, on matters which the Employee Relations Director has been duly authorized to meet and confer on by an appropriate officer, board or commission of the City and County.

(c) It shall be an unfair labor practice for an employee, an employee organization, an employee representative, or any agent thereof to:

(1) Interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in this ordinance;

(2) Refuse to meet and confer in good faith at reasonable times, places and frequencies when the employee organization involved is a recognized representative;

(3) Refuse or fail to cooperate in the impasse procedure involved under the provisions of this ordinance; and

(4) Engage in a strike, slowdown or work stoppage of any kind against the City and County of San Francisco in violation of Section 16.221 of this ordinance.

(d) It shall be an unfair labor practice for any employee, an employee organization, an employee representative, or any agent thereof, to meet and confer or attempt to meet and confer with any officer, aide or administrative assistant to an officer of the City and County other than at a scheduled public meeting of the Board of Supervisors or a committee meeting of the Board of Supervisors, on matters which the Employee Relations Director has been duly authorized to meet and confer on by an appropriate officer, board or commission of the City and County.

The provisions of this subsection shall not apply to an employee, an employee organization, an employee representative, or any agent thereof, who desires to communicate with the Board of Supervisors during the meeting and conferring process and does so in writing and addresses said communication to the Clerk of the Board of Supervisors with the request that all members of the Board of Supervisors be provided with copies of the communication. (Amended by Ord. 415-76, App. 10/15/76)

SEC. 16.214. SANCTIONS FOR UNFAIR LABOR PRACTICES.

Charges of committing any unfair labor practices may be initiated by a management representative, by a representative of an employee organization, or by an

individual employee or group of employees. Such charges shall be filed in writing with the Commission. Each charge so filed shall be processed in accordance with the rules and regulations of the Commission.

(a) If the administrative law judge's decision is that the City and County or a management employee has engaged in an unfair labor practice, the administrative law judge shall issue cease and desist orders which are not in conflict with the Charter or other provisions of law, and/or shall recommend to the appropriate body that corrective action be taken. Such corrective action shall be taken within five days of the administrative law judge's notification and recommendation.

(b) If the decision is that an employee or employee organization or its agents have engaged in an unfair labor practice, the administrative law judge shall instruct the offending party to take appropriate corrective action. If compliance with the administrative law judge's instruction is not obtained within five days, the administrative law judge shall instruct the appropriate officer, board or commission to take appropriate action. Such action may include, but is not limited to suspension or revocation of privileges provided a registered or recognized employee organization such as dues deduction. Individual employees found by the administrative law judge to have engaged in unfair labor practices shall be subject to such discipline as may be recommended by the administrative law judge to the appointing officer of such employee within the limits of the applicable Charter provisions, and civil service and department regulations. (Amended by Ord. 113-77, App. 3/31/77)

SEC. 16.215. MEETING AND CONFERRING IN GOOD FAITH. (a) Meeting and conferring in good faith between management representatives and the representatives of recognized employee organizations shall take place on all matters relating to wages, hours, and other terms and conditions of employment including any other matters agreed to by the parties as a subject of bargaining. Nothing contained herein shall be deemed to supersede the provisions of the Charter, ordinances, and rules and regulations of the City and County of San Francisco which establish and regulate the Civil Service System.

(b) If agreement is reached by management and a recognized employee organization, or recognized employee organizations, on matters subject to approval by a determining body or official, they shall jointly prepare a written memorandum of such understanding and present it to the determining body or official for determination. If agreement is reached on matters not subject to approval by a determining body or official, the appropriate level of management and recognized employee organizations shall jointly prepare a written memorandum of such agreement.

(c) Management representatives and representatives of recognized employee organizations may by mutual agreement meet and confer on matters of employment for which meeting and conferring is neither required nor prohibited by this ordinance.

(d) The parties to the meeting and conferring process shall provide timely notice of their intention to meet and confer, and shall mutually arrange a satisfactory scheduling for said meeting and conferring.

(e) Any such memorandum of understanding shall contain the following provisions:

(1) Delivery of municipal services in the most efficient, effective, and courteous manner is of paramount importance to the City and County and its employees. Such achievement is recognized to be a mutual obligation of both parties within their respective roles and responsibilities.

(2) The recognized employee organization recognizes the City and County's right to establish and/or revise performance standards or norms notwithstanding the existence of prior performance levels, norms or standards. Such standards, developed by usual work measurement procedure may be used to determine acceptable performance levels, prepare work schedules, and to measure the performance of each employee or group of employees.

(3) Employees who work at less than acceptable levels of performance may be subject to disciplinary measures in accordance with the applicable Charter provisions and rules and regulations of the Civil Service Commission.

(4) Any Memorandum of Understanding negotiated in conformity with this ordinance shall contain a clause prohibiting strikes, slowdowns, or work stoppages as long as said Memorandum of Understanding is in full force and effect, and provided further that in the absence of any Memorandum of Understanding, employees' rights concerning concerted labor activity shall be governed by the pertinent laws of this state. (Amended by Ord. 426-76, App. 10/29/76)

SEC. 16.216. IMPASSE PROCEDURES. If, after a reasonable period of time, the management representative and the representative of a recognized employee organization reach an impasse in the meeting and conferring process, either party may request the assistance of the Mayor in resolving the impasse. If the Mayor finds that the parties have not devoted sufficient time or effort to resolving the impasse, he or she may deny the request and return the matter to the parties for further consideration. If the Mayor concludes that, in fact, an impasse exists, he or she shall notify the parties of same.

(a) After being notified by the Mayor that an impasse does exist, the parties involved shall arrange for the assistance of a mediator from any source agreeable to the parties involved. If the parties cannot agree on a mediator within three days after being notified by the Mayor that an impasse exists, the Mayor shall appoint a mediator who shall have broad experience in the field of employee relations and shall have been selected as a neutral arbitrator in at least 50 cases in Northern California in the preceding four years but shall not include any person who is an employee of the City and County of San Francisco, or who is or has been an official of a labor organization or an organization representing City and County employees. Such appointment shall be made within five days after such a request is forwarded to the Mayor. All mediation shall be private, and the mediator shall make no public recommendations nor take any public position concerning the issues. The mediator shall make his or her recommendation within 10 days after his or her designation.

(b) If the mediator's recommendation is not acceptable to the parties, they shall within three days of the issuance of the mediator's recommendation make arrangements for the assistance of a fact finder, or a fact-finding board consisting of not more than three members. If the parties cannot agree upon a fact finder, or fact-finding board, within five days of the issuance of the mediator's recommendation, the Mayor shall appoint a fact finder, or a fact-finding board. The Mayor shall effect

such appointment or appointments within five days after notification that such appointment or appointments are necessary. The fact finders will have 10 days from the date of appointment to make their recommendations and no extension of time may be requested or granted.

(c) If fact finding is not successful and where arbitration of the subject matter is not in conflict with the Charter or existing law, the parties to meeting and conferring may agree to submit the matter to an impartial arbitrator for determination. The impartial arbitrator shall consider only the issue or issues presented, and his or her determination in the matter shall be final and binding on the parties involved. The impartial arbitrator shall be selected by the parties and shall be an individual with broad experience in the field of employee relations and shall have served as a neutral arbitrator in at least 100 cases in the previous five years.

If the parties cannot agree upon such a person within five days after the decision to arbitrate, the State Conciliation Service shall supply a list of 10 names and, after first determining by lot, the parties shall alternately strike names from the list so supplied and the last individual who is able and willing to serve shall act as the arbitrator. Arbitration shall commence within four days after his or her designation, and his or her decision shall be rendered within 20 days after the proceedings in arbitration have commenced. His or her decision shall be observed by both parties pending any appeal contesting or challenging the award and the award shall not require Court confirmation before compliance with its terms.

(d) In vital public services, which affect the health, safety or welfare of the general public, the issue or issues unresolved after mediation and fact finding impasse procedures have been followed, and where arbitration of the subject matter is not in conflict with the Charter or existing law, the parties shall submit the matter to an impartial arbitrator for determination. The impartial arbitrator shall consider only the issue or issues presented, and his or her determination in the matter shall be final and binding on the parties involved. For the purposes of this Section, vital public services include public health, hospitals, court and detention personnel, sanitation services, and such other services as may be designated as vital public services by the Commission. The procedure for the selection of the impartial arbitrator and the time limits shall be as set forth in Section 16.216(c).

(e) The cost of mediation, fact finding proceedings and arbitration where applicable shall be divided equally between the City and County and the registered employee organization. No cost shall be imposed upon any employee organization that would exceed the lesser of the following:

(1) The daily stipend of the arbitrator or fact finder or mediator shall not exceed the suggested amount for services of arbitrators designated by the Federal Mediation and Conciliation Service.

(2) Costs to be paid by the employee organizations shall be limited to 1/2 of the daily stipend of any arbitrator, fact finder or mediator as above provided, and shall not include attorney fees, witness fees, transcripts and any other expenses. Each party shall bear its own costs for such services.

(f) During the period of meeting and conferring between the City and County and the recognized employee organization and the period during which the impasse procedure shall be utilized, the recognized employee organization and the employees it represents shall not initiate, engage in, cause, instigate, encourage or condone

work stoppages, slowdowns, mass absenteeism or any other disruptive activities which are detrimental to the conduct of City and County business and services. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.217. DISPUTES CONCERNING MEMORANDUMS OF UNDERSTANDING. (a) Whenever a dispute arises between parties signatory to a memorandum of understanding regarding the application or interpretation of any provision of the memorandum of understanding, the following procedure shall be taken in order to resolve the dispute:

(1) The aggrieved party shall promptly take the matter up with the other party and both shall endeavor to resolve the dispute.

(2) If the parties cannot settle the dispute within 48 hours, the matter shall be submitted to an administrative law judge for determination. The decision of the administrative law judge shall be final and binding upon the parties involved; provided, however, that memorandums of understanding in effect at the time this ordinance is adopted (October 25, 1973) which specify a different method of resolving disputes concerning interpretation and application of memorandum of understanding, shall not be subject to the provisions of this Section.

(b) The decision of the administrative law judge pursuant to this Section shall be limited to the application and interpretation of the memorandum of understanding and subject to the provisions of the Charter and existing law. The expenses incurred in utilizing the administrative law judge in this arbitration process shall be borne equally by the parties involved in the dispute. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.218. GRIEVANCES. The existing grievance procedure prescribed by Civil Service Commission Rules provides a progressive series of steps through which employees may present complaints or grievances arising out of their employment or working conditions. This procedure is designed to resolve grievances at the lowest supervisory level consistent with justice and administrative policy. It is the intent of this ordinance that the grievance procedure established by the Civil Service Commission Rules will continue to be used for the above described purposes. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.219. EMPLOYEES MEETING ON CITY AND COUNTY TIME. (a) Official representatives of a recognized employee organization shall be allowed time off from their duties without loss of pay for the purpose of meeting and conferring in good faith or consulting with representatives of the City and County on matters within the scope of representation, provided that the number of representatives shall not exceed two without the approval of the Employee Relations Director. The use of official time for this purpose shall be reasonable and shall not interfere with the performance of City and County services. Official representatives shall receive approval from their department head in advance of the proposed time away from their work station or assignment.

(b) Official representatives of registered employee organizations shall be entitled to the same privileges and charged with the same duties as set forth in paragraph (a) of this Section for purposes of consulting with representatives of the City and County on matters within the scope of representation. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.220. DUES DEDUCTION. Upon completion of the registration procedures provided in Section 16.209, registered employee organizations may exercise the privilege of dues deduction, and shall pay the reasonable costs of this service. The Controller of the City and County of San Francisco shall establish the costs and the procedures for initiating and maintaining this service. (Amended by Ord. 313-76, App. 7/30/76)

SEC. 16.222. SEPARABILITY. If any provision of this ordinance, or the application of such provision to any person or circumstance, shall be held invalid, the remainder of this ordinance, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby. (Amended by Ord. 313-76, App. 7/30/76)

ARTICLE XI-B

EMPLOYEE DEFERRED COMPENSATION PLAN

SEC. 16.301. ESTABLISHMENT OF A DEFERRED COMPENSATION PLAN. The Retirement Board shall establish and administer a deferred compensation plan. (Amended by Ord. 306-80, App. 6/27/80)

SEC. 16.302. PURPOSE. The purpose of this plan is to extend to employees of the City and County of San Francisco certain benefits which ordinarily accrue from participation in a Deferred Compensation Plan. The City and County of San Francisco does not and cannot represent or guarantee that any particular federal or state income, payroll or other tax consequence will occur by reason of an employee's participation in this plan. The participant should consult with his or her own attorney or other representative regarding all tax consequences of participation of this plan. (Amended by Ord. 306-80, App. 6/27/80)

SEC. 16.320. ADMINISTRATION BY RETIREMENT BOARD. This Deferred Compensation Plan shall be administered by the Retirement Board, which shall prescribe such forms, and adopt such rules and regulations as are necessary to carry out the purposes of the plan. The Retirement Board may employ investment counsel to advise the Board concerning categories of investment, investment guidelines and investment policy, provided, however, that the advice or recommendations of any such investment counsel shall not be binding on the Retirement Board, which shall make the final determination concerning investment categories, investment guidelines and policies. The Retirement Board may contract with a financially responsible independent contractor to administer and coordinate the plan under the direction of the Retirement Board.

The Retirement Board shall enact regulations, applicable to any plan administrator which is not a corporate fiduciary authorized by federal or state law to exercise trust powers or to conduct an insurance business, establishing such bonding requirement as the Retirement Board in its discretion deems appropriate, for such plan administrator, and for every other person who handles funds or other property of the investment fund. The amount of such bond shall be at least \$1,000.

but shall never be less than 10 percent of the amount of funds handled. The Retirement Board may, in its discretion, establish guidelines or regulations for the bonding of the plan administrator and of every fiduciary or other person who handles funds or other property of the investment fund. Notwithstanding any other provisions to the contrary, the administrator agrees that it shall be solely responsible to the employer for any and all services performed by a subcontractor, assignee, or designee under this agreement. (Amended by Ord. 306-80, App. 6/27/80)

SEC. 16.326. NO COST TO CITY AND COUNTY. This plan shall be administered free of direct cost to, or appropriation by, the City and County of San Francisco and all such costs shall be borne by the participants or by any plan administrator appointed hereunder, except to the extent that any subsequent ordinances or appropriation might provide expressly to the contrary, provided, however, that employer may advance not in excess of \$10,000 for start-up costs of this plan on condition that said advance, within the current fiscal year, is repaid either by the participants or by any plan administrator appointed hereunder. (Amended by Ord. 306-80, App. 6/27/80)

ARTICLE XII

MUNICIPAL ELECTION CAMPAIGN CONTRIBUTION CONTROL

SEC. 16.501. PURPOSE AND INTENT. Huge sums of moneys often are necessary to finance American election campaigns. Inherent to the high cost of election campaigning is the problem of improper influence, real or potential, exercised by campaign contributors over elected officials. It is the purpose and intent of the Board of Supervisors of the City and County of San Francisco in enacting this Article to place realistic and enforceable limits on the amount individuals may contribute to political campaigns in municipal elections, and to provide full and fair enforcement of all the provisions of this Article. This Article is enacted in accordance with the terms of Sections 5 and 7 of Article XI of the Constitution of the State of California and Section 1.101 of the Charter of the City and County of San Francisco. (Amended by Ord. 114-76, App. 4/2/76)

SEC. 16.502. CITATION. This Article may be cited as the San Francisco Municipal Election Campaign Contribution Control Ordinance. (Amended by Ord. 114-76, App. 4/2/76)

SEC. 16.503. DEFINITIONS. Whenever in this Article the following words or phrases are used, they shall mean:

(a) "Candidate" shall mean any individual listed on the ballot for nomination for or election to any City and County office or who otherwise has taken affirmative action to seek nomination or election to such office.

(b) "Charitable Organization" shall mean an entity exempt from taxation pursuant to Title 26, Section 501 of the United States Code.

(c) "Committee" shall mean any person acting, or any combination of two or more persons acting jointly, in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.

(d) "Contribution" shall be defined as set forth in Government Code of the State of California (commencing at Section 81000); provided, however, that "contribution" shall include loans of any kind or nature.

(e) "Election" shall mean any primary, general or special municipal election held in the City and County of San Francisco, including an initiative, referendum or recall election.

(f) "Enforcement authority" shall mean the District Attorney of the City and County of San Francisco for criminal enforcement and the City Attorney for civil enforcement. Nothing in this Article shall be construed as limiting the authority of any law enforcement agency or prosecuting attorney to enforce the provisions of this Article under any circumstances where such law enforcement agency or prosecuting attorney otherwise has lawful authority to do so.

(g) "Measure" shall mean any City and County Charter amendment or other proposition submitted to a popular vote at an election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

(h) "Person" shall mean any individual, partnership, corporation, association, firm, committee, club or other organization or group of persons, however organized. (Amended by Ord. 361-80, App. 8/5/80)

SEC. 16.504. ADOPTION OF GENERAL LAW — EXCEPTIONS.

Except as otherwise provided in this Article, the provisions of Title 9 of Government Code of the State of California (commencing at Section 81000), including the penal provisions thereof, shall be applicable to any election held in the City and County of San Francisco. (Amended by Ord. 114-76, App. 4/2/76)

SEC. 16.505. CAMPAIGN CONTRIBUTION TRUST ACCOUNT — ESTABLISHMENT. Each campaign treasurer shall establish a campaign contribution trust account for the candidate or committee at an office of a bank located in the City and County of San Francisco, the account number and branch identification of which shall be filed with the Registrar of Voters within 10 days of the establishment thereof. (Amended by Ord. 114-76, App. 4/2/76)

SEC. 16.506. CAMPAIGN STATEMENTS — PUBLIC INSPECTION AND COPYMAKING. Campaign statements are to be open for public inspection and reproduction at the office of the Registrar of Voters during regular business hours and from 10:00 a.m. to 5:00 p.m. on the Saturday preceding an election. (Amended by Ord. 114-76, App. 4/2/76)

SEC. 16.507. CAMPAIGN STATEMENTS — RETENTION. Every campaign statement required to be filed in accordance with Section 16.504 shall be preserved by the Registrar of Voters for at least four years from the date upon which it was required to be filed under the terms of this Article. (Amended by Ord. 114-76, App. 4/2/76)

SEC. 16.508. CAMPAIGN CONTRIBUTIONS — LIMITATIONS.* (a)

No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person with respect to a single election in support of or opposition to such candidate, including contributions to political committees supporting or opposing such candidate, to exceed \$500, provided, however, that for elections to be held after January 1, 1981 the amount shall not exceed \$750, provided, however, that for elections to be held after January 1, 1983, the amount shall not exceed \$1,000.

(b) If any person is found guilty of violating the terms of this Section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such person in excess of the amount permitted by this Section to the City and County Treasurer for deposit in the General Fund of the City and County.

(c) This Section shall not apply to any in-kind contribution of television or radio airtime to any candidate or committee granted to said candidate or committee pursuant to the "Fairness Doctrine" articulated in Cullman Broadcasting, 40 FCC 576 (1963). (Amended by Ord. 79-83, App. 2/18/83)

*See also Appendix P of Charter, 6/3/86: \$500 limit.

SEC. 16.509. MUNICIPAL RUN-OFF ELECTION. All provisions of this Article, unless specified otherwise herein, shall be applicable in any municipal run-off election for any City and County office held pursuant to Section 9.103 of the Charter. In addition, the following provisions shall be applicable in any such municipal run-off election:

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in the municipal run-off election in support of or opposition to such candidate, including contributions to political committee supporting or opposing such candidate, to exceed, in addition to the contribution limit contained in Section 16.508, \$250.

(b) If any person is found guilty of violating the terms of this Section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such person in excess of the amount permitted by this Section to the City and County Treasurer for deposit in the General Fund of the City and County. (Amended by Ord. 174-80, App. 5/2/80)

SEC. 16.509-1. POST-ELECTION LEGAL PROCEEDINGS. All provisions of this Article, unless specified otherwise herein, shall be applicable in any post-election recounts, election contests or other proceedings held pursuant to law. In addition, the following provisions shall be applicable in any such post-election legal proceedings:

(a) No person other than a candidate shall make, and no campaign treasurer shall solicit or accept, any contribution which will cause the total amount contributed by such person in post-election legal proceedings in support of or opposition to

candidates, including contributions to political committees supporting or opposing such candidate, to exceed, in addition to the contribution limit contained in Sections 16.508 and 16.509, \$100.

(b) Notwithstanding any other provision of this Article to the contrary, for the purposes of conducting post-election recounts, election contests or other proceedings held pursuant to law, the delivery of in-kind legal services by lawyers in support of or in opposition to candidates, including in-kind contributions to political committees supporting or opposing candidates, shall not be subject to any contribution limitations set forth in this Article.

(c) If any person is found guilty of violating the terms of this Section, each campaign treasurer who received part or all of the contribution or contributions which constitute the violation shall pay promptly, from available campaign funds, if any, the amount received from such person in excess of the amount permitted by this Section to the City and County Treasurer for deposit in the General Fund of the City and County. (Added by Ord. 81-83, App. 2/25/83)

SEC. 16.510. SOLICITATION OR ACCEPTANCE OF CAMPAIGN CONTRIBUTIONS — LIMITATIONS. No intended candidate for any public office of the City and County, and no committee acting on behalf of a candidate, shall solicit or accept, or cause to be solicited or accepted, any contribution unless and until said candidate shall have filed a declaration of intention to become a candidate for a specific City and County office with the Registrar of Voters on a form to be prescribed by said Registrar of Voters; provided, however, that in any election in which members of the Board of Supervisors are elected by votes cast in a district, the office of a member of the Board of Supervisors shall be deemed to be a specific office of the City and County.

No person shall file a declaration of intention to become a candidate for more than one elective office of said City and County. For the purposes of this Section a committee acting on behalf of a candidate need not be controlled by or acting under the authorization of the candidate.

Except as provided below, any contributions solicited or accepted under this Section shall be expended only on behalf of the candidacy for the office specified in said declaration of intention to become a candidate. Contributions solicited or accepted under this Section for one individual shall not be expended for the candidacy of any other individual or in support of or opposition to any measure. If an individual ceases to be a candidate or fails to qualify under the provisions of the Charter for an office for which contributions have been solicited or accepted, then all unexpended contributions shall be returned on a pro rata basis to those persons who have made said contributions.

Unexpended contributions held by a candidate or committee after the date of the election in which said candidate or measure appeared on the ballot may be returned on a pro rata basis to those persons who have made said contributions, donated to a charitable organization, or as contributions to a candidate or a committee acting on behalf of a candidate, transferred to any legally constituted committee established by or on behalf of the candidate, pursuant to the provisions of Government Code of the State of California (commencing at Section 81000). (Amended by Ord. 80-83, App. 2/18/83)

SEC. 16.512. DUTIES OF REGISTRAR OF VOTERS. In addition to other duties required of him or her under general law and the terms of this Article, the Registrar of Voters shall:

(a) Prepare and publish written instructions explaining the duties of persons, candidates and committees under this Article.

(b) Determine whether required statements and declarations have been filed with his or her office and, if so, whether they conform on their face with the requirements of this Article.

(c) Notify promptly all persons, candidates and committees known to him or her who have failed to file a statement in the form and at the time required by Section 16.504 hereof.

(d) Report apparent violations of this Article to the District Attorney.

(e) Compile and maintain a current list of all statements or parts of statements filed with his or her office pertaining to each candidate and each measure.

(f) Cooperate with the District Attorney in the performance of the duties of the District Attorney as they are related to this Article.

(g) Enforce or cause to be enforced the provisions of this Article.

(h) Prepare and publish adequate procedures to notify all persons, candidates and committees in advance relative to filing dates and forms required by Section 16.504 hereof. (Amended by Ord. 292-76, App. 7/17/76)

SEC. 16.513. DUTIES OF ENFORCEMENT AUTHORITY. In addition to the other duties required of him or her under the provisions of this Article, the enforcement authority for civil enforcement shall review such campaign statements filed with the Registrar of Voters as the Registrar shall refer to him or her for legal compliance with the provisions of this Article. (Amended by Ord. 361-80, App. 8/5/80)

SEC. 16.514. DISTRICT ATTORNEY — COMPLAINTS, LEGAL ACTION, INVESTIGATORY POWERS, CITY ATTORNEY ADVICE. (a) Any person who believes that a violation of any portion of this Article has occurred may file a complaint with the District Attorney. If the District Attorney determines that there is reason to believe a violation of this Article has occurred, he or she shall make an investigation. Whenever the District Attorney has reason to believe a willful violation of this Article has occurred or is about to occur, he or she may institute such legal action at such time as he or she deems necessary to prevent further violations.

(b) The District Attorney shall have such investigative powers as are necessary for the performance of the duties prescribed in this Article and may demand, and be furnished, records of campaign contributions and expenses at any time.

(c) Any person may request the City Attorney for advice with respect to any provision of this Article. The City Attorney shall within 14 days of the receipt of said written request provide the advice in writing or advise the person who made the request that no opinion will be issued. The City Attorney shall send a copy of said request to the District Attorney upon its receipt.

(d) The City Attorney shall within nine days from the date of the receipt of said written request send a copy of his or her proposed opinion to the District

Attorney. The District Attorney shall within four days inform the City Attorney whether he or she agrees with said advice, or state the basis for his or her disagreement with the proposed advice.

(e) No person other than the City Attorney who acts in good faith on the advice of the City Attorney shall be subject to criminal or civil penalties for so acting; provided that, the material facts are stated in the request for advice and the acts complained of were committed either in reliance on the advice or because of the failure of the City Attorney to provide advice within 14 days of the request or such later extended time. (Amended by Ord. 361-80, App. 8/5/80)

SEC. 16.515. PENALTIES. (a) Any person who knowingly or willfully violates any provision of this Article shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than \$500 or by imprisonment in the County jail for a period of not more than six months or by both such fine and imprisonment; provided, however, that any willful or knowing failure to report contributions done with intent to mislead or deceive or any willful or knowing violation of the provisions of Section 16.508 or Section 16.509 of this Article shall be punishable by a fine of not less than \$500 or three times the amount not reported or the amount received in excess of the amount be allowable pursuant to Section 16.508 or Section 16.509 of this Article, whichever is greater.

(b) Any person who intentionally or negligently violates any of the reporting requirements or contribution limitations set forth in this Article shall be liable in a civil action brought by the civil prosecutor for an amount up to \$500 or three times the amount not reported or the amount received in excess of the amount allowable pursuant to Section 16.508 or Section 16.509, whichever is greater. (Amended by Ord. 361-80, App. 8/5/80)

SEC. 16.516. EFFECT OF VIOLATION ON OUTCOME OF ELECTION. If a candidate is convicted of a violation of this Article at any time prior to his or her election his or her candidacy shall be terminated immediately and he or she shall be no longer eligible for election, unless the court at the time of sentencing specifically determines that this provision shall not be applicable.

No person convicted of a misdemeanor under this Article after his or her election shall be a candidate for any other City and County office for a period of five years following the date of the conviction unless the court shall at the time of sentencing specifically determines that this provision shall not be applicable.

A plea of nolo contendere shall be deemed a conviction for purposes of this Section. (Amended by Ord. 361-80, App. 8/5/80)

SEC. 16.517. EFFECT OF VIOLATION ON CERTIFICATION OF ELECTION RESULTS. The Registrar of Voters shall not issue any certificate of nomination or election to any candidate until his or her campaign statements required in Section 16.504 have been filed. (Amended by Ord. 114-76, App. 4/2/76)

SEC. 16.518. RULES OF CONSTRUCTION. This Article shall be construed liberally in order to effectuate its purposes. No error, irregularity, informality, neglect or omission of any officer in any procedure taken under this Article

which does not directly affect the jurisdiction of the Board of Supervisors or the City and County to control campaign contributions shall avoid the effect of this Article. (Amended by Ord. 114-76, App. 4/2/76)

SEC. 16.519. SEVERABILITY. If any provision of this Article, or the application thereof to any person or circumstance, is held invalid, the validity of the remainder of the article and the applicability of such provisions to other persons and circumstances shall not be affected thereby. (Amended by Ord. 114-76, App. 4/2/76)

ARTICLE XIII

ELECTION OF MEMBERS OF RETIREMENT BOARD

SEC. 16.550. PURPOSE. The Charter of the City and County of San Francisco provides that the membership of the Retirement Board, which is entrusted with the administration of the San Francisco City and County Employee's Retirement System, shall include three members elected from the active members (not including retired persons) of the Retirement System. Whenever the term of office of such an elected member expires or whenever a vacancy occurs in such an office so that an election is necessary to fill a present or expected vacancy, the following provisions shall govern the election procedure. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.551. RETIREMENT BOARD TO ORDER ELECTIONS. If a vacancy occurs, or will occur, in the office of an elected member prior to the date that the term of that office expires, the Retirement Board shall order a special election to fill the vacancy for the unexpired portion of the term of office, unless another election to a Retirement Board office is scheduled to be completed within six months after the vacancy has, or shall, occur, in which case the elections shall be combined; provided, however, that a separate special election shall be required if the election which has already been scheduled will occur too soon to nominate and select candidates for the more recent vacancy. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.552. DATES OF ELECTION. Whenever an election is necessary, either at the completion of a term of office or to fill an unexpired term of office, the Retirement Board shall specify the dates during which ballots may be marked and delivered. However, the dates designated by the Retirement Board shall not be within one month before or after an election which has been otherwise scheduled and which involves residents of the City and County of San Francisco as electors. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.553. NOTICE TO MEMBERS; NOMINATION OF MEMBERS. The Retirement Board shall thereafter notify the members of the Retirement System of the following:

- (a) The necessity for an election;

(b) The procedure for nomination and selection of candidates to serve on the Board; and

(c) The dates that ballots may be marked and delivered and the procedure for voting.

The period of time during which nominations may be made shall be set by the Retirement Board but in no event shall be less than 21 days. Any person nominated to serve as a member of the Retirement Board shall, on forms provided by the Retirement Board for this purpose and by the date set by the Retirement Board, verify acceptance of the nomination and agree to serve if elected before he or she may be listed as a candidate. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.554. NOTICE TO REGISTRAR. The Retirement Board shall notify the Registrar of Voters (hereafter "Registrar") at least 120 days prior to the first day that ballots may be marked and delivered (hereafter referred to as the first voting day) that an election shall be held. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.555. NOTICE TO DEPARTMENT; APPOINTMENT OF ELECTION OFFICERS. The Registrar shall notify each department, office and agency of the City and County of San Francisco (hereunder referred to as "department") at least 90 days prior to the first voting day that the department must designate an employee who shall serve as Election Officer for that department and must inform the Registrar at least 60 days prior to the first voting day of the identity of such officer. The Registrar shall supply each department with a form which can be returned to the Registrar which identifies the employee who has been designated Election Officer. If any department has not designated an Election Officer by the appointed deadline, the Registrar shall notify the department that the deadline has passed and shall continue to provide such notice until such designation has been made. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.556. INSTRUCTIONS TO ELECTION OFFICERS. The Registrar shall provide written instructions to each Election Officer at least 21 days prior to the first voting day, informing such officer of dates on which ballots will be distributed and collected and the procedure to be followed for their distribution and collection. If any department has failed to designate an Election Officer by the time that the Registrar sends these written instructions, the Registrar shall thereafter treat the administrative head of the department as the Election Officer until another employee has been designated as such by that department. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.557. DELIVERY OF BALLOTS AND NAMES OF ELIGIBLE VOTERS TO REGISTRAR. The Retirement Board shall furnish the Registrar with the ballots and accompanying envelopes at least 35 days prior to the first voting day. The ballots shall be separated by department. The Registrar shall be responsible for any stuffing of envelopes that is required prior to distribution of the ballots to the departments.

The Retirement Board shall furnish the Registrar with a list of members of the Retirement System eligible to vote in the election at the same time that it furnishes

the ballots. A supplemental list shall be furnished to the Registrar within two days of the first voting day, which list shall provide the names of eligible voters not included on the original list. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.558. BALLOTS TO CONTAIN INSTRUCTIONS FOR VOTING. Each ballot shall contain instructions printed on it informing the voters of the procedure to be used in marking the ballot. This procedure shall include marking the ballot, placing the marked ballot inside the ballot return envelope, sealing the envelope and signing one's name on the envelope. The instructions shall note that printing one's name or failing to sign the envelope as indicated will invalidate the ballot.

Each ballot, or ballot return envelope, shall inform the voter that there are three ways to return the ballot:

(a) By placing the ballot in the container maintained for such purpose by the Election Officer of the voter's department, or by otherwise using the collection procedure arranged for by the Election Officer;

(b) By delivering the ballot personally to the office of the Registrar; and

(c) By placing a stamp on the ballot return envelope and mailing the ballot and envelope to the Office of the Registrar.

The instructions shall also note the date by which ballots are to be delivered as noted above in order to be counted. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.559. BALLOTS TO BE PLACED IN ADDRESSED ENVELOPES; EXTRA BALLOTS. Each ballot and ballot return envelope shall be placed in a separate envelope addressed to each employee eligible to vote in care of his department. Additional ballots shall be printed for members of the Retirement System who are eligible to vote but did not receive an individually addressed ballot. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.560. DELIVERY OF BALLOTS AND INSTRUCTIONS TO ELECTION OFFICERS. The Registrar shall deliver the ballots and accompanying envelopes to each Election Officer by at least 10 days prior to the first voting day, along with written instructions for their proper distribution and collection and any other pertinent guidelines as set out in these provisions or as otherwise applicable. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.561. DUTIES OF ELECTION OFFICERS. Each Election Officer shall:

(a) Prior to the date that ballots are delivered, inform the department or employee responsible for distributing paychecks to employees of the department (hereafter referred to as the Payroll Department) of the dates during which ballots are to be distributed to employees and of the responsibility of the Payroll Department to make arrangements to distribute a ballot with each paycheck by a date that will allow each voter at least three days to mark and deliver the ballot;

(b) Upon receipt of the ballots, coordinate his efforts and those of the Payroll Department to insure that the ballots are ready to be distributed along with paychecks by a date that will allow each voter at least three days to mark and deliver the ballot;

(c) Provide notice to employees who are in the Retirement System but would not be likely to receive ballots along with their paycheck, such as employees on the temporary payroll, that ballots are available;

(d) Provide ballots to employees who did not, or would not, receive them along with their paychecks pursuant to the procedure established by the Registrar;

(e) Establish and maintain a collection procedure so that employees have a convenient method of returning ballots, which method shall, where possible, make use of at least one container in which ballots can be placed; and

(f) Return the ballots which have been received or otherwise collected according to the collection procedure established by such officer to the Registrar, either personally or by the inter-office mail system, in a timely manner so that the ballots will be delivered to the Registrar by the date established by the Retirement Board as the final date for such delivery. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.562. DUTY OF PAYROLL DEPARTMENT. The Payroll Department shall provide cooperation and assistance in sorting the ballots or performing other tasks necessary to insure that the ballots are distributed along with paychecks by a date that will allow each voter at least three days to mark and deliver the ballot. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.563. COUNTING OF BALLOTS AND CERTIFICATION OF NEW MEMBER. The Registrar shall thereafter count the ballots in such a manner that the identity of the individual casting any particular ballot will not be disclosed. Each ballot shall be counted so long as it has been marked, signed and delivered in accordance with the requirements set out in Section 16.608 above pertaining to the proper method of marking and delivering ballots, unless the ballot is otherwise invalid. The Registrar shall certify that the individual receiving the highest number of votes is the newly elected member of the Retirement Board. (Added by Ord. 512-80, App. 10/29/80)

SEC. 16.564. RETIREMENT BOARD TO REIMBURSE REGISTRAR. The Retirement Board shall reimburse the Office of the Registrar for the actual expenses incurred by it in conducting Retirement Board elections. (Added by Ord. 512-80, App. 10/29/80)

ARTICLE XIV

ASSASSINATION SURVIVORSHIP FUND

SEC. 16.600. FINDINGS. The Board of Supervisors finds and determines as follows:

(a) Threats and aggressions against elected public officials often arise from dissatisfaction with the lawful discharge by said officials of their public duties;

(b) Though every reasonable precaution may be taken, the nature of elective office requires unusual exposure to danger;

(c) Therefore, elected public officials bear an unusual risk of assassination.

(d) Elected public officials who are threatened by assassination at the hands of those who are dissatisfied with the lawful discharge of their public duties must be concerned for the welfare of surviving dependents.

(e) Elected public officials who are concerned for the welfare of surviving dependents will necessarily be deterred from the full and uncompromised exercise of duty;

(f) To the extent that elected public officials are deterred from the vigorous discharge of their duties, the public welfare is impaired; and

(g) Therefore, the public welfare is furthered by ensuring that elected public officials may discharge their duties as trustees of the people's sovereign powers without fear for the well-being of their surviving dependents. (Added by Ord. 175-79, App. 4/20/79)

SEC. 16.601. DEFINITIONS. (a) Assassination. The unlawful killing of an elected public official, except when the unlawful killing is wholly unrelated to the exercise of office.

(b) Child. The child, legally adopted child or step-child of an elected public official; or a child of the official born after the assassination.

(c) College Age Children. Any child under the age of 25 attending an accredited institution of higher education and enrolled for 12 units per semester.

(d) Controller. The Controller of the City and County of San Francisco.

(e) Elected Public Officials. The Mayor, members of the Board of Supervisors, District Attorney, City Attorney, Public Defender, Treasurer, Assessor and Sheriff, as elected or appointed to fill a vacancy in office.

(f) Minor Child. Any child of an officer under the age of 18 years of age.

(g) Treasurer. The Treasurer of the City and County of San Francisco or the person designated in writing by the Treasurer to perform the duties imposed by this Article.

(h) Widow. The wife of an officer who is married to him on the day of the assassination.

(i) Widower. The husband of an officer who is married to her on the day of the assassination. (Added by Ord. 175-79, App. 4/20/79)

SEC. 16.602. ESTABLISHMENT OF A SPECIAL SURVIVORSHIP FUND. There is hereby established in the Office of the Treasurer a special fund in the initial amount of \$312,122 to be known as the "Assassination Survivorship Fund" ("special fund"). The monies in said special fund shall be paid to the widow, widower or minor children of the assassinated officer in the manner hereinafter provided.

Balances remaining in the special fund at the close of any fiscal year are deemed to have been provided for a specific purpose within the meaning of Section 6.306 of the Charter and shall be carried forward and accumulated in said special fund for the purposes recited herein. All interest on monies deposited shall accrue to the benefit of this special fund.

The Treasurer is hereby authorized and directed to invest and reinvest the monies in this special fund to achieve the highest rate of interest so as to maximize the monies remaining in said special fund. (Added by Ord. 175-79, App. 4/20/79)

SEC. 16.603. ORDER OF PAYMENT TO SURVIVORS. Payments to survivors shall be made in the following order:

- (a) To the widow or widower;
- (b) On the death of the widow or widower to surviving minor children and to college age children, to be shared equally, except as provided in Section 16.606; and
- (c) If there is no surviving widow or widower, then to the minor children or college age children, to be shared equally, except as provided in Section 16.606. (Added by Ord. 175-79, App. 4/20/79)

SEC. 16.604. PAYMENT PROCEDURE, SCHEDULE AND AMOUNT. Payments shall be in the amount of \$2,292 per month payable to the survivors as in the order specified in this Article within 45 days after the date of the assassination. The Office of the Treasurer shall each month request and the Controller shall prepare a warrant or warrants on the first day of each month subsequent to the issuance of the first warrant. (Added by Ord. 175-79, App. 4/20/79)

SEC. 16.605. TERMINATION OF PAYMENTS. Termination of payments to survivors shall be as follows:

- (a) On the death of the widow or widower;
- (b) On the 18th birthday of the minor children who are not in an accredited university or college; and
- (c) On the 25th birthday of a college age person or completion of a college program, whichever comes first. (Added by Ord. 175-79, App. 4/20/79)

SEC. 16.606. ALLOCATION OF FUNDS TO CHILDREN. The Office of the Treasurer is hereby authorized to allocate from the total sum of \$2,292 per month such sums to each minor child and each college age person as is deemed appropriate for necessities of life, high school or college tuition.

The Office of the Treasurer is hereby appointed trustee of the special fund for minor children or college age persons and may make such determinations as is deemed appropriate to carry out the purposes of this Article. (Added by Ord. 175-79, App. 4/20/79)

SEC. 16.607. APPROPRIATION OF ADDITIONAL FUNDS. In the event of the assassination of an officer it shall be the duty of the Office of the Treasurer to cause to be prepared a supplemental appropriation in the sum of \$312,122 to increase the assassination survivorship fund to pay the survivorship benefits as provided for in this Article. (Added by Ord. 175-79, App. 4/20/79)

SEC. 16.608. SEVERABILITY CLAUSE. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article or any part thereof. The Board of Supervisors hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or

more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. (Added by Ord. 175-79, App. 4/20/79)

ARTICLE XV

HEALTH SERVICE SYSTEM

SEC. 16.700. MEMBERSHIP. (a) Effective December 1, 1980, and continuing through June 30, 1987, membership in the Health Service System shall include in addition to members of the Retirement System all employees with six months or more continuous service whose normal work week at the time of inclusion in the system is not less than 20 hours, provided, that the Governing Board of the San Francisco Community College District may by resolution designate as members for nine months or each academic year, temporary certificated employees.

(b) "Continuous service" is defined as City and County or School District service, uninterrupted except for authorized leaves of absence. CETA funded employees who have or will become employed in City and County or School District funded positions shall be credited with the period of CETA funded continuous service with the City and County or School District for purposes of qualifying for membership in the system.

(c) Employees who are not members of the Retirement System who are absent from paid status for more than six continuous months shall be required to re-enroll in the Health Service System pursuant to the provisions of Subsections (a) and (b).

(d) For the purposes of administering and interpreting the provision of this Section, the following shall apply:

(1) An employee who is a member of the Health Service System and who reverts to an "as needed" employee status shall become ineligible for membership in the system.

(2) A permanent certified employee who is separated and takes a temporary job with a break in service of less than six months is immediately eligible for membership.

(3) An employee with at least six months continuous service is eligible for membership as soon as his or her normal work week reaches 20 or more hours.

(4) Prior service by an employee who was not a member of the Health Service System shall not count toward the six month eligibility requirement. The six month break in service exception only applies to an employee who was a member of the system prior to an interruption in service.

(5) An employee whose work week is reduced below 20 hours per week after inclusion in the system shall not lose eligibility for continued inclusion in the system. (Amended by Ord. 67-86, App. 3/7/86)

